

# **JOURNAL**

**OF**

## **THE SENATE**

**OF**

**THE UNITED STATES OF AMERICA;**

**BEING THE SECOND SESSION OF THE EIGHTH CONGRESS;**

**BEGUN AND HELD**

**AT THE CITY OF WASHINGTON,**

**NOVEMBER 5, 1804,**

**AND IN THE TWENTY-NINTH YEAR OF THE INDEPENDENCE OF THE SAID STATES.**

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**Vol. III.—52**

# CONGRESS OF THE UNITED STATES.

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**T**HE Second Session of the Eighth Congress, conformably to the act passed the last session, entitled "An act altering the time for the next meeting of Congress," commenced this day; and the Senate assembled at the City of Washington.

**MONDAY, NOVEMBER 5, 1804.**

## PRESENT:

The Honorable **AARON BURR**, Vice President of the United States and President of the Senate.

From the state of New Hampshire,	the Honorable	{ Simeon Olcott, and William Plumer.
Massachusetts,	the Honorable	John Quincy Adams.
Connecticut,	the Honorable	Uriah Tracy.
Rhode Island,	the Honorable	Christopher Ellery.
Vermont,	the Honorable	{ Stephen R. Bradley, and Israel Smith.
New Jersey,	the Honorable	John Condit.
Delaware,	the Honorable	Samuel White.
Maryland,	the Honorable	Samuel Smith.
Georgia,	the Honorable	Abraham Baldwin.
Ohio,	the Honorable	Thomas Worthington.

The Honorable **William B. Giles**, appointed a Senator by the Executive of the commonwealth of Virginia, in place of **Abraham B. Venable**, Esq. resigned, took his seat, and his credentials were read.

The Vice President gave notice that he had received a letter from the Honorable **William Hill Wells**, a Senator from the state of Delaware, resigning his seat in the Senate.

The number of Senators present not being sufficient to constitute a quorum,

On motion,

The Senate adjourned to 11 o'clock to-morrow morning.

**TUESDAY, NOVEMBER 6, 1804.**

The Senate assembled; present as yesterday; and the Honorable **Jesse Franklin**, from the state of North Carolina, the Honorable **George Logan**, from the state of Pennsylvania, and the Honorable **Timothy Pickering**, from the state of Massachusetts, severally attended.

The Honorable **Andrew Moore**, appointed a Senator by the Executive of the commonwealth of Virginia, in place of **Wilson C. Nicholas**, Esq. resigned, took his seat, and his credentials were read.

The President administered the oath to **Mr. Giles** and **Mr. Moore**, as the law prescribes.

On motion,

*Ordered*, That the President be requested to notify to the Executive of the state of Delaware, the resignation of **Mr. Wells**.

The number of Senators present not being sufficient to constitute a quorum,

On motion,

The Senate adjourned to 11 o'clock to-morrow morning.



WEDNESDAY, NOVEMBER 7, 1804.

The Senate assembled: present as yesterday; and the Honorable Robert Wright, from the state of Maryland, attended.

On motion,

*Ordered*, That the Secretary notify to the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: I am directed to inform the Senate that a quorum of the House of Representatives is assembled and ready to proceed to business.

The House of Representatives have appointed a committee on their part, jointly, with such committee as the Senate may appoint, to wait on the President of the United States and notify him that a quorum of the two Houses is assembled and ready to receive any communications that he may be pleased to make to them:

The House of Representatives have also passed a resolution that two chaplains, of different denominations, be appointed to Congress for the present session, one by each House, who shall interchange weekly; in which several resolutions they desire the concurrence of the Senate. And he withdrew.

The Senate took into consideration the resolution of the House of Representatives for the appointment of a joint committee to wait on the President of the United States and notify to him that a quorum of the two Houses is assembled; and

*Resolved*, That they do concur therein, and that Messrs. Samuel Smith and Baldwin be the committee on the part of the Senate.

*Ordered*, That the Secretary acquaint the House of Representatives therewith.

The Senate took into consideration the resolution of the House of Representatives for the appointment of two chaplains to Congress during the present session, and having agreed thereto, proceeded to the choice of a chaplain on their part, and the Reverend Mr. M'Cormick was duly elected.

*Ordered*, That the Secretary acquaint the House of Representatives therewith.

Mr. Samuel Smith reported, from the joint committee, that they had waited on the President of the United States, agreeably to the resolution of this day, and that the President of the United States had informed the committee that he would make a communication to the two Houses to-morrow at 12 o'clock.

On motion,

*Resolved*, That each Senator be supplied during the present session with three such newspapers printed in any of the states as he may choose, provided that the same be furnished at the usual rate for the annual charge of such papers.

On motion,

*Resolved*, That James Mathers, Sergeant-at-Arms and Doorkeeper to the Senate, be, and he is hereby, authorized to employ one additional assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper to the Senate; and that the sum of twenty-eight dollars be allowed him weekly for that purpose during the session, and for twenty days after.

On motion,

The Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, NOVEMBER 8, 1804.

The Honorable Jonathan Dayton, from the state of New Jersey, and the Honorable James Hillhouse, from the state of Connecticut, severally attended.

The following written message was received from the President of the United States, by Mr. Burwell, his Secretary:

*To the Senate and House of Representatives of the United States*:

To a people, fellow-citizens, who sincerely desire the happiness and prosperity of other nations, to those who justly calculate that their own well-being is advanced by that of the nations with which they have intercourse, it will be a satisfaction to observe, that the war which was lighted up in Europe a little before our last meeting has not yet extended its flames to other nations, nor been marked by the calamities which sometimes stain the footsteps of war. The irregularities too on the ocean, which generally harass the commerce of neutral nations, have, in distant parts, disturbed ours less than on former occasions. But, in the American seas, they have been greater from peculiar causes; and even within our harbors and jurisdiction, infringements on the authority of the laws have been committed which have called for serious attention. The friendly conduct of the governments from whose officers and subjects



these acts have proceeded, in other respects, and in places more under their observation and control, gives us confidence, that our representations on this subject will have been properly regarded.

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted, nor left unprovided for. Complaints have been received that persons, residing within the United States, have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries, in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well ordered society. Its tendency to produce aggression on the laws and rights of other nations, and to endanger the peace of our own, is so obvious that I doubt not you will adopt measures for restraining it effectually in future.

Soon after the passage of the act of the last session, authorizing the establishment of a district and port of entry on the waters of the Mobile, we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given, and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated in the mean time inconsistent with the peace and friendship existing between the two nations; and that conformably to these intentions would be the execution of the law. That government had, however, thought proper to suspend the ratification of the convention of 1802. But the explanations which would reach them soon after, and still more the confirmation of them by the tenor of the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject which originally dictated the convention.

I have the satisfaction to inform you that the objections which had been urged by that government against the validity of our title to the country of Louisiana have been withdrawn; its exact limits, however, remaining still to be settled between us. And to this is to be added, that, having prepared and delivered the stock created in execution of the convention of Paris, of April 30, 1803, in consideration of the cession of that country, we have received from the government of France an acknowledgment, in due form, of the fulfilment of that stipulation.

With the nations of Europe, in general, our friendship and intercourse are undisturbed, and from the governments of the belligerent powers especially, we continue to receive those friendly manifestations which are justly due to an honest neutrality, and to such good offices consistent with that as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, the reinforcements sent into that sea, and the energy of the officers having command in the several vessels, will, I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury, however, ensues to ourselves, as well as to others interested, from the distance to which prizes must be brought for adjudication, and from the impracticability of bringing hither such as are not seaworthy.

The Bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate whether a compliance with unjust demands will not cost us less than a war, we must leave as a question of calculation for them, also, whether to retire from unjust demands will not cost them less than a war. We can do to each other very sensible injuries by war; but the mutual advantages of peace make that the best interest of both.

Peace and intercourse with the other powers on the same coast continue on the footing on which they are established by treaty.

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the territory of Orleans were appointed in due time, to commence the exercise of their functions on the first day of October. The distance, however, of some of them, and indispensable previous arrangements, may have retarded its commencement in some of its parts; the form of government thus provided having been considered but as temporary, and open to such future improvements as further information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration.

In the district of Louisiana it has been thought best to adopt the division into subordinate districts which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provisions of the law, and so soon as they can be at their stations, that district will also be in its due state of organization. In the mean time their places are supplied by the officers before commanding there; and the functions of the governor and judges of In-



diana having commenced, the government, we presume, is proceeding in its new form. The lead mines in that district offer so rich a supply of that metal as to merit attention. The report now communicated will inform you of their state, and of the necessity of immediate inquiry into their occupation and titles.

With the Indian tribes established within our newly acquired limits, I have deemed it necessary to open conferences for the purpose of establishing a good understanding and neighborly relations between us. So far as we have yet learned, we have reason to believe that their dispositions are generally favorable and friendly, and, with these dispositions on their part, we have in our own hands means which cannot fail us for preserving their peace and friendship. By pursuing an uniform course of justice towards them, by aiding them in all the improvements which may better their condition, and especially by establishing a commerce on terms which shall be advantageous to them, and only not losing to us; and so regulated as that no incendiaries of our own, or any other nation, may be permitted to disturb the natural effects of our just and friendly offices, we may render ourselves so necessary to their comfort and prosperity that the protection of our citizens from their disorderly members will become their interest and their voluntary care. Instead, therefore, of an augmentation of military force proportioned to our extension of frontier, I propose a moderate enlargement of the capital employed in that commerce, as a more effectual, economical, and humane instrument for preserving peace and good neighborhood with them.

On this side the Mississippi an important relinquishment of native title has been received from the Delawares. That tribe, desiring to extinguish in their people the spirit of hunting, and to convert superfluous lands into the means of improving what they retain, has ceded to us all the country between the Wabash and Ohio, south of and including the road from the rapids towards Vincennes; for which they are to receive annuities in animals and implements for agriculture, and in other necessities. This acquisition is important, not only for its extent and fertility, but as fronting 300 miles on the Ohio, and near half that on the Wabash, the produce of the settled country descending those rivers will no longer pass in review of the Indian frontier but in a small portion; and, with the cession heretofore made by the Kaskaskias, nearly consolidates our possessions north of the Ohio in a very respectable breadth, from Lake Erie to the Mississippi. The Piankeshaws having some claim to the country ceded by the Delawares, it has been thought best to quiet that by fair purchase also. So soon as the treaties on this subject shall have received their constitutional sanctions they shall be laid before both houses.

The act of Congress, of February 28, 1803, for building and employing a number of gun boats, is now in a course of execution to the extent there provided for. The obstacle to naval enterprize which vessels of this construction offer for our seaport towns; their utility towards supporting, within our waters, the authority of the laws; the promptness with which they will be manned by the seamen and militia of the place, in the moment they are wanting; the facility of their assembling from different parts of the coast to any point where they are required in greater force than ordinary; the economy of their maintenance and preservation from decay, when not in actual service; and the competence of our finances to this defensive provision, without any new burthen, are considerations which will have due weight with Congress in deciding on the expediency of adding to their number from year to year, as experience shall test their utility, until all our important harbors, by these and auxiliary means, shall be secured against insult and opposition to the laws.

No circumstance has arisen since your last session which calls for any augmentation of our regular military force. Should any improvement occur in the militia system, that will be always seasonable.

Accounts of the receipts and expenditures of the last year, with estimates for the ensuing one, will, as usual, be laid before you.

The state of our finances continues to fulfil our expectations. Eleven millions and an half of dollars, received in the course of the year ending the 30th of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay upwards of 3,600,000 dollars of the public debt, exclusive of interest. This payment, with those of the two preceding years, has extinguished upwards of twelve millions of the principal, and a greater sum of interest, within that period; and, by a proportionate diminution of interest, renders already sensible the effect of the growing sum yearly applicable to the discharge of the principal.

It is also ascertained that the revenue accrued during the last year exceeds that of the preceding; and the probable receipts of the ensuing year may safely be relied on as sufficient, with the sum already in the Treasury, to meet all the current demands of the year, to discharge upwards of three millions and a half of the engagements incurred



under the British and French conventions, and to advance in the further redemption of the funded debt as rapidly as had been contemplated. These, fellow-citizens, are the principal matters which I have thought it necessary, at this time, to communicate for your consideration and attention. Some others will be laid before you in the course of the session; but, in the discharge of the great duties confided to you by our country, you will take a broader view of the field of legislation. Whether the great interests of agriculture, manufactures, commerce, or navigation, can, within the pale of your constitutional powers, be aided in any of their relations: Whether laws are provided in all cases where they are wanting: Whether those provided are exactly what they should be: Whether any abuses take place in their administration, or in that of the public revenues: Whether the organization of the public agents, or of the public force, is perfect in all its parts: In fine, whether any thing can be done to advance the general good, are questions within the limits of your functions, which will necessarily occupy your attention. In these and all other matters which you in your wisdom may propose for the good of our country, you may count with assurance on my hearty co-operation and faithful execution.

TH. JEFFERSON.

November 8, 1804.

The message was read.

*Ordered*, That the message and documents therein referred to be printed for the use of the Senate.

The Senate adjourned to 11 o'clock to-morrow morning.

**FRIDAY, NOVEMBER 9, 1804.**

The Honorable Thomas Sumter, from the state of South Carolina, attended.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have appointed the Rev. William Bentley a chaplain to Congress on their part, during the present session. And he withdrew.

The Senate adjourned to 11 o'clock on Monday morning.

**MONDAY, NOVEMBER 12, 1804.**

The Honorable William Cocke, from the state of Tennessee, and the Honorable David Stone, from the state of North Carolina, severally attended.

On motion,

*Resolved*, That Messrs. Tracy, Baldwin, and Franklin, be a committee to inquire whether copies of the laws of the United States have been procured, pursuant to an act passed at the last session of Congress, entitled "An act to provide for a more extensive distribution of the laws of the United States;" and if procured to report a mode for the disposal of those copies which are by said act reserved for the disposal of Congress.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

**TUESDAY, NOVEMBER 13, 1804.**

The Senate assembled; and,

On motion,

Adjourned to 11 o'clock to-morrow morning.

**WEDNESDAY, NOVEMBER 14, 1804.**

The Senate assembled; and,

On motion,

Adjourned to 11 o'clock to-morrow morning.

**THURSDAY, NOVEMBER 15, 1804.**

The Senate assembled; and the Honorable Samuel Maclay, from the state of Pennsylvania, and the Honorable John Smith, from the state of New York, severally attended.

On motion,

The Senate adjourned to 11 o'clock to-morrow morning.



FRIDAY, NOVEMBER 16, 1804.

The Senate assembled; and,  
After the consideration of the Executive business,  
Adjourned to 11 o'clock on Monday morning.

MONDAY, NOVEMBER 19, 1804.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed a bill, entitled "An act making a farther appropriation for carrying into effect the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America," in which they desire the concurrence of the Senate. And he withdrew.

The bill was read.

*Ordered,* That it pass to the second reading.

Mr. Tracy gave notice that he should, to-morrow, ask leave to bring in a bill for the repeal of the two first sections, and to alter and amend the last section, of the act passed at the last session of Congress, entitled "An act further to protect the commerce and seamen of the United States against the Barbary powers."

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, NOVEMBER 20, 1804.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have appointed a committee on their part for enrolled bills, and desire the appointment of a committee on the part of the Senate. They have passed a "resolution expressive of the sense of Congress of the gallant conduct of Capt. Stephen Decatur, the officers, and crew, of the United States' ketch Intrepid, in attacking in the harbor of Tripoli and destroying a Tripolitan frigate of forty-four guns," in which they desire the concurrence of the Senate. And he withdrew.

The resolution last mentioned was read the first time and passed to the second reading.

The resolution of the House of Representatives for the appointment of a joint committee on enrolled bills was read.

*Resolved,* That the Senate do concur therein, and that Mr. Moore be the committee on their part.

*Ordered,* That the Secretary acquaint the House of Representatives therewith.

The bill, entitled "An act making a farther appropriation for carrying into effect the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America," was read the second time.

*Ordered,* That it be referred to Messrs. Baldwin, Tracy, and Logan, to consider and report thereon to the Senate.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, NOVEMBER 21, 1804.

The President laid before the Senate a report from the Secretary for the Department of Treasury, in obedience to the act, entitled "An act to establish the Treasury Department;" and the report was read.

*Ordered,* That it lie for consideration, and that it be printed for the use of the Senate.

Mr. Logan presented the petition of the directors of the Library Company of Philadelphia, praying the relinquishment of the duties charged on certain books, the donation of Samuel Preston, of Great Britain, to said company; and the petition was read.

*Ordered,* That it lie on the table.

Mr. Baldwin, from the committee to whom was referred, on the 20th instant, the bill sent from the House of Representatives for concurrence, entitled "An act making a farther appropriation for carrying into effect the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America," reported it without amendment.

*Ordered,* That this bill pass to the third reading.

A message from the House of Representatives, by Mr. Beckley, their Clerk:



*Mr. President:* The House of Representatives have passed a joint resolution to authorize the President of the United States to appoint an agent to inquire into, and report on, the occupancy and titles of the lead mines in Louisiana, in which they desire the concurrence of the Senate. And he withdrew.

The resolution was read the first time.

*Ordered,* That this resolution pass to the second reading.

The Senate adjourned to 11 o'clock to-morrow morning.

#### THURSDAY, NOVEMBER 22, 1804.

The resolution of the House of Representatives expressive of the sense of Congress of the gallant conduct of Capt. Stephen Decatur, the officers, and crew, of the United States' ketch Intrepid, was read the second time.

*Ordered,* That it be referred to Messrs. Bradley, Baldwin, and Giles, to consider and report thereon to the Senate.

The resolution of the House of Representatives to authorize the President of the United States to appoint an agent to inquire into, and report on, the occupancy and titles of the lead mines in Louisiana, was read the second time.

*Ordered,* That it be referred to Messrs. Logan, Wright, and Ellery, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act making a farther appropriation for carrying into effect the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America," was read the third time.

*Resolved,* That this bill do pass.

*Ordered,* That the Secretary acquaint the House of Representatives with the concurrence of the Senate in this bill.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

#### FRIDAY, NOVEMBER 23, 1804.

The President laid before the Senate the credentials of the Honorable James A. Bayard, appointed a Senator by the legislature of the state of Delaware, in place of William Hill Wells, Esq. resigned, and the credentials were read.

The Honorable Samuel L. Mitchill, appointed a Senator by the legislature of the state of New York, in place of John Armstrong, Esq. whose seat hath become vacant by his mission to France, took his seat in the Senate, and produced his credentials, which were read, and the oath was administered to him by the President, as the law prescribes.

Mr. Logan, from the committee to whom was referred, on the 22d instant, the resolution of the House of Representatives to authorize the President of the United States to appoint an agent to inquire into, and report on, the occupancy and titles of the lead mines in Louisiana, reported the resolution without amendment.

On motion,

*Ordered,* That the further consideration thereof be postponed until Monday next.

*Ordered,* That Perez Morton have leave to withdraw his petition, presented on the 17th of March last, in behalf of himself and others therein named.

Mr. Moore reported, from the committee, that they had examined and found duly enrolled the bill, entitled "An act making a farther appropriation for carrying into effect the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of the President. And he withdrew.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States for his approbation.

On motion,

The Senate adjourned to 11 o'clock on Monday morning.



MONDAY, NOVEMBER 26, 1804.

The resolution to authorize the President of the United States to appoint an agent to inquire into and report on the occupancy and titles of the lead mines in Louisiana, was considered.

*Ordered*, That this resolution pass to the third reading.

Mr. Bradley, from the committee to whom was referred, on the 22d instant, the resolution of the House of Representatives expressive of the sense of Congress of the gallant conduct of Captain Stephen Decatur, the officers, and crew, of the United States' ketch Intrepid, reported it without amendment.

On motion,

It was agreed, by unanimous consent, to dispense with the rule, and that this resolution be now read the third time.

*Resolved*, That this resolution do pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence.

Mr. Moore reported, from the committee, that they did, on the 23d instant, lay the enrolled bill, entitled "An act making a farther appropriation for carrying into effect the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America," before the President of the United States for his approbation.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The President of the United States hath notified the House of Representatives that he did, on the 24th instant, approve and sign "An act making a farther appropriation for carrying into effect the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America." And he withdrew.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, NOVEMBER 27, 1804.

Mr. Moore reported, from the committee, that they had this day examined and found duly enrolled the joint resolution, expressive of the sense of Congress of the gallant conduct of Captain Stephen Decatur, the officers, and crew, of the United States' ketch Intrepid.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The Speaker of the House of Representatives having signed an enrolled resolution, I am directed to bring it to the Senate for the signature of their President. The House of Representatives have passed a bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina;" in which they desire the concurrence of the Senate. And he withdrew.

The bill last mentioned was read.

*Ordered*, That it pass to the second reading.

The President signed the enrolled resolution last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States for his approbation.

The resolution to authorize the President of the United States to appoint an agent to inquire into and report on the occupancy and titles of the lead mines in Louisiana, was read the third time.

*Ordered*, That the further consideration thereof be postponed until the second Monday in December next.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, NOVEMBER 28, 1804.

The bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina," was read the second time.

Mr. Moore reported, from the committee, that they did yesterday lay the enrolled resolution last reported to have been examined before the President of the United States for his approbation.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have appointed the reverend Mr. Parkinson a chaplain to Congress on their part, during the present session, in place of



the reverend Mr. Bentley, who hath declined his appointment. The President of the United States hath notified the House of Representatives that he yesterday approved and signed the enrolled resolution expressive of the sense of Congress of the gallant conduct of Captain Stephen Decatur, the officers, and crew, of the United States' ketch Intrepid, in attacking, in the harbor of Tripoli, and destroying, a Tripolitan frigate of forty-four guns. The House of Representatives have passed a bill, entitled "An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object during the year one thousand eight hundred and five;" in which they desire the concurrence of the Senate. And he withdrew.

The bill last mentioned was read.

*Ordered*, That it pass to the second reading.

Mr. Worthington gave notice that he should to-morrow ask leave to bring in a bill making provision for the application of money appropriated to the laying out and making public roads leading from the navigable waters emptying into the Atlantic, to the Ohio river, in conformity with an act of April 30th, 1802.

The Senate adjourned to 11 o'clock to-morrow morning.

#### THURSDAY, NOVEMBER 29, 1804.

The bill, entitled "An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object during the year one thousand eight hundred and five," was read the second time.

*Ordered*, That it be referred to Messrs. Stone, Giles, and Condit, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina;" and

*Ordered*, That it be referred to Messrs. Cocke, Bradley, and Franklin, to consider and report thereon to the Senate.

On motion, that it be

*Resolved*, That a committee be appointed to prepare and report proper rules of proceedings to be observed by the Senate in cases of impeachment:

It was agreed that this motion lie for consideration.

The Senate adjourned to 11 o'clock to-morrow morning.

#### FRIDAY, NOVEMBER 30, 1804.

The Honorable John Smith, from the state of Ohio, and the Honorable John Breckinridge, from the state of Kentucky, severally attended.

The following written message was received from the President of the United States, by Mr. Burwell, his Secretary:

*To the Senate and House of Representatives of the United States:*

I now lay before you copies of the treaties concluded with the Delaware and Piankeshaw Indians, for the extinguishment of their title to the lands therein described; and I recommend to the consideration of Congress the making provision by law for carrying them into execution.

TH. JEFFERSON.

November 30, 1804.

The message was read.

*Ordered*, That the message and treaties therein referred to lie for consideration.

The Senate resumed the motion made yesterday, "That a committee be appointed to prepare and report proper rules of proceedings to be observed by the Senate in cases of impeachment;" and having agreed thereto,

*Ordered*, That Messrs. Giles, Baldwin, Breckinridge, Stone, and Israel Smith, be the committee.

On motion,

That a committee be appointed to examine the act, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes;" and that they have leave to report, by bill or otherwise, the manner, in their opinion, the money appropriated by the said act ought to be applied:

It was agreed that this motion lie for consideration.



Mr. Stone, from the committee to whom was referred, yesterday, the bill, entitled "An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object during the year one thousand eight hundred and five," reported the bill without amendment.

*Ordered*, That this bill pass to the third reading.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock on Monday morning.

#### MONDAY, DECEMBER 3, 1804.

The Honorable Benjamin Howland, appointed a Senator by the legislature of the state of Rhode Island, in the place of Samuel J. Potter, Esq. deceased, took his seat and produced his credentials, which were read; and the oath was administered to him by the President, as the law prescribes.

Mr. Tracy, from the committee appointed on the 12th of November last, to inquire whether copies of the laws of the United States have been procured, and, if procured, to report a mode for the disposal of them, asked and obtained leave to report by bill. He accordingly reported a bill for the disposal of certain copies of the laws of the United States; which was read.

*Ordered*, That it pass to the second reading.

The Senate resumed the motion, made on the 30th November, for a committee to be appointed to examine the act, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes," and that they have leave to report, by bill or otherwise, the manner, in their opinion, the money appropriated by the said act ought to be applied; and the motion was adopted, and

*Ordered*, That Messrs. Worthington, Giles, Bradley, Breckinridge, and Tracy, be the committee.

The bill, entitled "An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object during the year one thousand eight hundred and five," was read the third time.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary notify the concurrence to the House of Representatives.

Mr. Adams, in behalf of William A. Barron, asked and obtained leave to withdraw his petition, and papers annexed, presented the 10th of February last.

Mr. Pickering gave notice that to-morrow he should ask leave to offer a resolution for the purpose of amending the constitution of the United States in such manner that representatives and direct taxes may be apportioned among the several states according to the numbers of their free inhabitants respectively.

The Senate adjourned to 11 o'clock to-morrow morning.

#### TUESDAY, DECEMBER 4, 1804.

The Honorable James Jackson, from the state of Georgia, attended.

The bill for the disposal of certain copies of the laws of the United States was read the second time.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act concerning drawbacks on goods, wares, and merchandise, exported from the district of New Orleans," in which they desire the concurrence of the Senate. Mr. Parkinson having declined the appointment, the House of Representatives have elected the Rev. Mr. Laurie a Chaplain in his stead. And he withdrew.

The bill last mentioned was read.

*Ordered*, That it pass to the second reading.

The Senate adjourned to 11 o'clock to-morrow morning.

#### WEDNESDAY, DECEMBER 5, 1804.

The bill, entitled "An act concerning drawbacks on goods, wares, and merchandise, exported from the district of New Orleans," was read the second time.

*Ordered*, That it be referred to Messrs. Samuel Smith, Mitchill, and Bradley, to consider and report thereon to the Senate.



Mr. Worthington presented the petition of James May, and others, citizens and inhabitants of that district of the Indiana territory situate north and east of a west line, extending to the southern bend of lake Michigan; praying that said district may be divided into a separate territory, extending north of the above mentioned line; and the petition was read.

*Ordered*, That it be referred to Messrs. Worthington, Breckinridge, and Giles, to consider and report thereon to the Senate.

Mr. Moore reported, from the committee, that they had examined, and found duly enrolled, the bill, entitled "An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object, during the year one thousand eight hundred and five."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President. And he withdrew.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States, for his approbation.

The Senate resumed the second reading of the bill for the disposal of certain copies of the laws of the United States, and sundry amendments were proposed.

*Ordered*, That they lie for consideration.

The Senate adjourned to 11 o'clock to-morrow morning.

#### THURSDAY, DECEMBER 6, 1804.

The Honorable Joseph Anderson, from the state of Tennessee, attended.

Mr. Samuel Smith, from the committee to whom was referred, on the 5th instant, the bill, entitled "An act concerning drawbacks on goods, wares, and merchandise, exported from the district of New Orleans," reported the bill with amendment.

*Ordered*, That the report lie for consideration.

The Senate took into consideration the amendments yesterday proposed to the bill for the disposal of certain copies of the laws of the United States; which were adopted.

*Ordered*, That this bill pass to the third reading as amended.

Mr. Moore reported, from the committee, that they yesterday laid the enrolled bill, entitled "An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object during the year one thousand eight hundred and five," before the President of the United States for his approbation.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: I am directed to inform the Senate that the House of Representatives have appointed managers to conduct the impeachment against Samuel Chase, one of the associate justices of the Supreme Court of the United States, and have directed the said managers to carry to the Senate the articles agreed upon by the House to be exhibited in maintenance of their impeachment against the said Samuel Chase. And he withdrew.

The following written message was received from the President of the United States, by Mr. Coles, his Secretary:

*To the Senate and House of Representatives of the United States*:

I communicate, for the information of Congress, a report of the Surveyor of the Public Buildings at Washington, on the subject of those buildings, and the application of the moneys appropriated for them.

TH. JEFFERSON.

December 6, 1804.

The message and report therein referred to were read.

*Ordered*, That they lie for consideration.

Mr. Worthington presented the petition of "the democratic republicans of the county of Wayne, in the territory of Indiana," signed by their chairman, Robert Abbot, praying a division of said territory, for reasons therein stated; and the petition was read.

*Ordered*, That it be referred to the committee appointed yesterday, to whom was referred the petition of James May and others, on the same subject, to consider and report thereon to the Senate.

The Senate adjourned to 11 o'clock to-morrow morning.



FRIDAY, DECEMBER 7, 1804.

Mr. Giles, from the committee appointed on the 30th of November last, "to prepare and report proper rules of proceeding to be observed by the Senate in cases of impeachment," made report; which was read.

*Ordered*, That the report lie for consideration.

On motion,

*Resolved*, That the Senate will at one o'clock on this day be ready to receive articles of impeachment against Samuel Chase, one of the associate justices of the Supreme Court of the United States, to be presented by the managers appointed by the House of Representatives.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

Agreeably to notice given on the 3d inst. Mr. Pickering introduced a resolution for the purpose of amending the constitution of the United States, in such manner that representatives and direct taxes may be apportioned among the several states according to the number of their free inhabitants respectively;" and the resolution was read.

*Ordered*, That it lie for consideration.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The President of the United States hath notified the House of Representatives that on the 6th instant he approved and signed "An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object during the year one thousand eight hundred and five." And he withdrew.

The Senate resumed the amendment reported by the committee to the bill, entitled "An act concerning drawbacks on goods, wares, and merchandise, exported from the district of New Orleans," and the amendment was adopted, and a new section was proposed.

*Ordered*, That the consideration thereof be postponed until Monday next.

The bill for the disposal of certain copies of the laws of the United States was read the third time.

*Resolved*, That this bill do pass, that it be engrossed, and that the title thereof be "An act for the disposal of certain copies of the laws of the United States."

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill.

After proceedings as the high court of impeachments, as is stated on the record,

The Senate adjourned to 11 o'clock on Monday morning.

MONDAY, DECEMBER 10, 1804.

The Senate resumed the consideration of the resolution respecting the lead mines in the territory of Louisiana.

*Ordered*, That it be postponed to Monday next.

The bill, entitled "An act concerning drawbacks on goods, wares, and merchandise, exported from the district of New Orleans," was resumed; and the new section proposed on Friday last was amended and adopted.

*Ordered*, That this bill pass to the third reading as amended.

After proceedings as the high court of impeachments, as is stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, DECEMBER 11, 1804.

The bill, entitled "An act concerning drawbacks on goods, wares, and merchandise, exported from the district of New Orleans," was read the third time.

*Resolved*, That this bill do pass with amendments.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendments.

Mr. Samuel Smith gave notice that he should, to-morrow, ask leave to bring in a bill to amend the act, entitled "An act for the imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes."

Mr. Worthington, from the committee to whom was referred, on the 5th instant, the petition of James May and others, citizens of the Indiana territory, asked and obtained leave to report by bill.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.



## WEDNESDAY, DECEMBER 12, 1804.

The Vice President laid before the Senate a letter from the mayor of Alexandria, signed Elisha C. Dick, inclosing resolutions of the sense of that town and county on the proposition made in the House of Representatives of the United States for receding certain portions of the District of Columbia to the states of Virginia and Maryland; which were read.

Agreeably to notice given yesterday, Mr. Samuel Smith asked and obtained leave to bring in a bill to amend the act, entitled "An act for the imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes;" and the bill was read.

*Ordered*, That it pass to the second reading.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

## THURSDAY, DECEMBER 13, 1804.

Mr. Cocke, from the committee to whom was referred, on the 29th of November last, the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina," reported it without amendment.

The bill to amend the act, entitled "An act for the imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes," was read the second time.

*Ordered*, That it be referred to Messrs. Samuel Smith, Anderson, and Jackson, to consider and report thereon to the Senate.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act authorizing the corporation of Georgetown to make a dam or causeway from Mason's Island to the western shore of the river Potomac," in which they desire the concurrence of the Senate. And he withdrew.

The Senate adjourned to 11 o'clock to-morrow morning.

## WEDNESDAY, DECEMBER 14, 1804.

The bill yesterday brought up from the House of Representatives for concurrence, entitled "An act authorizing the corporation of Georgetown to make a dam or causeway from Mason's Island to the western shore of the river Potomac," was read.

*Ordered*, That this bill pass to the second reading.

Mr. Samuel Smith, from the committee to whom was yesterday referred the bill to amend the act, entitled "An act for the imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes," reported the bill without amendment.

The Senate resumed the second reading of the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina;" and on motion to amend the bill by adding a proviso thereto, it was agreed that the further consideration of this subject be postponed until Monday next.

Mr. Worthington, from the committee to whom sundry petitions on the subject were referred, reported a bill to divide the Indiana territory into two separate governments; which was read.

*Ordered*, That this bill pass to the second reading.

After the consideration of the Executive business, and proceedings as the high court of impeachments, as is stated on the record,

The Senate adjourned to 11 o'clock on Monday morning.

## MONDAY, DECEMBER 17, 1804.

The credentials of the Honorable William B. Giles, appointed a Senator by the legislature of the commonwealth of Virginia, in the room of Wilson C. Nicholas, Esq. resigned, and the credentials of the Honorable Andrew Moore, appointed a Senator by the legislature of the commonwealth of Virginia, in the room of Abraham B. Venable, Esq. resigned, were severally read, and the oath was administered to them respectively, as the law prescribes.

The Senate resumed the second reading of the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina;" and



On motion,

That the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina," together with the said act of the state of North Carolina and the act of the state of Tennessee, passed in pursuance thereof, be referred to a select committee: that said committee be instructed to inquire what have been the acts and proceedings of the states of North Carolina and Tennessee in relation to the lands claimed by the United States within the state of Tennessee, under the deed of cession from the state of North Carolina, executed in December, 1789, to state facts and make report thereon; and that the amendment proposed on the 14th instant to the bill now under the consideration of the Senate be referred to the same committee: A division of the question was called, and it was agreed that the bill now under the consideration of the Senate be committed; and

On the question to agree to the other division of the motion as an instruction to the committee, it was determined in the affirmative; and

*Ordered*, That Messrs. Bradley, Anderson, and Giles, be the committee.

The Senate resumed the consideration of the resolution to authorize the President of the United States to appoint an agent to inquire into, and report on, the occupancy and titles of the lead mines in Louisiana; and

On motion,

*Ordered*, That the consideration thereof be further postponed.

Mr. Samuel Smith gave notice that he would, to-morrow, ask leave to bring in a bill supplementary to the act, entitled "An act to provide for the organization of the militia of the District of Columbia."

The bill, entitled "An act authorizing the corporation of Georgetown to make a dam or causeway from Mason's Island to the western shore of the river Potomac," was read the second time.

*Ordered*, That it be referred to Messrs. Samuel Smith, Giles, and Adams, to consider and report thereon.

The Senate adjourned to 11 o'clock to-morrow morning.

## TUESDAY, DECEMBER 18, 1804.

Agreeably to notice given yesterday, Mr. Samuel Smith had leave to bring in a bill supplementary to the act, entitled "An act to provide for the organization of the militia of the District of Columbia;" and the bill was read.

*Ordered*, That it pass to the second reading.

The bill to divide the Indiana territory into two separate governments was read the second time.

*Ordered*, That it lie for consideration.

The Senate resumed the second reading of the bill to amend the act, entitled "An act for the imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes;" and

On motion

To insert a proviso thereto, it was agreed that the consideration of the bill and the amendment be postponed,

Mr. Logan presented the petition of Thomas Ketland of Philadelphia, merchant, stating that he with John Ketland and James Williamson, were, in June, 1799, owners of the ship Washington, during a voyage to Batavia, and praying the allowance of a drawback on exportation of certain merchandise, in the said ship imported, for reasons stated in the petition; and the petition was read.

*Ordered*, That it lie on the table.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

## WEDNESDAY, DECEMBER 19, 1804.

The bill supplementary to the act, entitled "An act to provide for the organization of the militia of the District of Columbia," was read the second time.

*Ordered*, That it be referred to Messrs. Sumter, Samuel Smith, and Bradley, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill to amend the act, entitled "An act for the imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes;" and



*Ordered*, That the consideration thereof be further postponed until to-morrow.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act to provide for completing the valuation of lands and dwelling houses and the enumeration of slaves in South Carolina, and for other purposes;" a bill, entitled "An act to amend the act, entitled 'An act for the government and regulation of the seamen in the merchants' service;'" and a bill, entitled "An act giving power to the stockholders of the Marine Insurance Company of Alexandria to insure against fire;" in which bills they desire the concurrence of the Senate. And he withdrew.

The bills were read.

*Ordered*, That they severally pass to the second reading.

The Senate resumed the second reading of the bill to divide the Indiana territory into two separate governments; and,

*Ordered*, That this bill pass to the third reading.

The Senate adjourned to 11 o'clock to-morrow morning.

#### THURSDAY, DECEMBER 20, 1804.

The bill, entitled "An act to amend the act, entitled 'An act for the government and regulation of seamen in the merchants' service,'" was read the second time.

*Ordered*, That it be referred to Messrs. Franklin, Baldwin, and Samuel Smith, to consider and report thereon to the Senate.

The bill, entitled "An act giving power to the stockholders of the Marine Insurance Company of Alexandria to insure against fire," was read the second time.

*Ordered*, That it be referred to Messrs. John Smith, of Ohio, White, and Breckinridge, to consider and report thereon to the Senate.

The bill, entitled "An act to provide for the completing the valuation of lands and dwelling houses, and the enumeration of slaves, in South Carolina, and for other purposes," was read the second time,

*Ordered*, That it be referred to Messrs. Sumter, Bradley, and Jackson, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill to amend the act, entitled "An act for the imposing more specific duties on the importation of certain articles, and also for levying and collecting light money on foreign ships or vessels, and for other purposes;" and,

*Ordered*, That the bill, and amendment thereunto proposed, be referred to Messrs. Samuel Smith, Giles, and Breckinridge, to consider and report thereon to the Senate.

The bill to divide the Indiana territory into two separate governments was read the third time.

*Ordered*, That the further consideration thereof be postponed.

Mr. Adams gave notice that on Monday next he should ask leave to bring in a bill, in addition to "An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war," passed March 3, 1803.

After proceedings as the high court of impeachments, as is stated on the records, The Senate adjourned to 11 o'clock to-morrow morning.

#### FRIDAY, DECEMBER 21, 1804.

The Senate resumed the third reading of the bill to divide the Indiana territory into two separate governments; and,

On motion,

To amend the bill, it was agreed that the consideration thereof be further postponed.

On motion,

That the President of the Senate and Speaker of the House of Representatives be, and they are hereby, authorized to adjourn the respective Houses on this day to Monday, the last day of this month: And it was agreed that the consideration of this motion be postponed until Monday next.

After proceedings as the high court of impeachments, as is stated on the record,

The Senate adjourned to 11 o'clock on Monday morning.



## MONDAY, DECEMBER 24, 1804.

The Senate resumed the third reading of the bill to divide the Indiana territory into two separate governments, and having amended the same,

*Resolved*, That this bill do pass, that it be engrossed, and that the title thereof be "An act to divide the Indiana territory into two separate governments."

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill.

Agreeably to notice given on the 20th instant, Mr. Adams asked and obtained leave to bring in a bill, in addition to "An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war;" and the bill was read.

*Ordered*, That it pass to the second reading.

After proceedings as the high court of impeachments, as is stated on the record,

The Senate adjourned to 11 o'clock on Wednesday morning.

## WEDNESDAY, DECEMBER 26, 1804.

The Honorable John Brown, from the state of Kentucky, attended.

The bill, in addition to "An act to make provision for persons that have been disabled by known wounds, received in the actual service of the United States, during the Revolutionary war," was read the second time.

*Ordered*, That it be referred to Messrs. Adams, Baldwin and Brown, to consider and report thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act for establishing rules and articles for the government of the armies of the United States;" a bill, entitled "An act declaring Cambridge, in the state of Massachusetts, to be a port of delivery;" and a bill, entitled "An act to regulate the clearance of armed merchant vessels;" in which bills they desire the concurrence of the Senate. They have passed the bill, sent from the Senate for concurrence, entitled "An act for the disposal of certain copies of the laws of the United States," with amendments; in which they desire the concurrence of the Senate. And he withdrew.

The three bills first mentioned in the message were read.

*Ordered*, That they severally pass to the second reading.

The Senate took into consideration the amendments of the House of Representatives to their bill, entitled "An act for the disposal of certain copies of the laws of the United States; and

*Ordered*, That the further consideration thereof be postponed.

On motion,

The Senate adjourned to 11 o'clock on Friday morning.

## FRIDAY, DECEMBER 28, 1804.

The bill, entitled "An act declaring Cambridge, in the state of Massachusetts, to be a port of delivery," was read the second time.

*Ordered*, That it be referred to Messrs. Mitchill, Pickering, and Adams, to consider and report thereon.

The bill, entitled "An act to regulate the clearance of armed merchant vessels," was read the second time.

Mr. Mitchell presented the memorial of the chamber of commerce of the city of New York, signed by their president, shewing cause why merchantmen should be permitted to arm in certain cases, and respectfully stating the principles on which a bill on the subject should pass; and the memorial was read.

*Ordered*, That the bill last read be referred to Messrs. Mitchill, Baldwin, Giles, Breckinridge, and Logan, to consider and report thereon.

The bill, entitled "An act for establishing rules and articles for the government of the armies of the United States," was read the second time.

*Ordered*, That it be referred to Messrs. Jackson, Bradley, Sumter, Anderson, and Smith, of New York, to consider and report thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen," in which they desire the concurrence of the Senate. And he withdrew.

The bill was read.



*Ordered*, That it pass to the second reading.

Mr. Worthington, from the committee to whom, on the 3d instant, the subject was referred, reported a bill concerning certain public roads; and the bill was read.

*Ordered*, That it pass to the second reading.

Mr. Worthington gave notice that he should, on Monday next, ask leave to bring in a bill concerning the mode of surveying the public lands of the United States.

The Senate resumed the consideration of the amendments of the House of Representatives to their bill, entitled "An act for the disposal of certain copies of the laws of the United States."

*Resolved*, That they do concur therein.

*Ordered*, That the Secretary notify to the House of Representatives the concurrence.

Mr. Breckinridge gave notice that he should, on Monday next, ask leave to bring in a bill to extend jurisdiction, in certain cases, to the state and territorial courts.

After proceedings as the high court of impeachments, as stated on the record,

The Senate adjourned to 11 o'clock on Monday morning.

### MONDAY, DECEMBER 31, 1804.

Mr. Moore reported, from the committee, that they had this day examined and found duly enrolled the bill, entitled "An act for the disposal of certain copies of the laws of the United States."

The bill concerning public roads was read the second time.

*Ordered*, That it lie for consideration.

The bill, entitled "An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen," was read the second time.

*Ordered*, That it be referred to Messrs. Mitchill, Baldwin, and Bradley, to consider and report thereon.

Mr. Mitchill, from the committee to whom was referred, on the 28th instant, the bill, entitled "An act declaring Cambridge, in the state of Massachusetts, to be a port of delivery," reported the bill without amendment.

Agreeably to notice given on the 28th instant, Mr. Worthington asked and obtained leave to bring in a bill concerning the mode of surveying the lands of the United States; and the bill was read.

*Ordered*, That it pass to the second reading.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act for the relief of John Steele;" and a bill, entitled "An act to amend the charter of the town of Alexandria;" in which bills they desire the concurrence of the Senate. The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President. And he withdrew.

The two bills first mentioned in the message were read.

*Ordered*, That they severally pass to the second reading.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States for his approbation.

Mr. Giles presented the memorial of the planters, merchants, and others, inhabitants of Louisiana, remonstrating against certain laws which contravene their rights, and respectfully petition for redress.

Agreeably to notice given on the 28th instant, Mr. Breckinridge asked and obtained leave to bring in a bill to extend jurisdiction, in certain cases, to the state and territorial courts; and the bill was read.

*Ordered*, That it pass to the second reading.

The following written message was received from the President of the United States, by Mr. Coles, his Secretary:

*To the Senate and House of Representatives of the United States*:

The enclosed letter, written from Malta, by Richard O'Brien, our late consul at Algiers, giving some details of transactions before Tripoli, is communicated for the information of Congress.

TH. JEFFERSON.

December 31, 1804.

The message and letter therein referred to were read.

*Ordered*, That they lie for consideration.

The President laid before the Senate a letter from the Attorney General of the United States, in reply to the order of the Senate of the 15th of April, 1802, on the



subject of the lands of the United States within the state of Tennessee; which was read.

*Ordered*, That it be referred to the committee appointed on the 17th instant, on the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina," to consider and report thereon.

After the consideration of the Executive business, and proceedings as the high court of impeachments, as is stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

#### TUESDAY, JANUARY 1, 1805.

The Senate assembled; and

On motion,

Adjourned to 11 o'clock to-morrow morning.

#### WEDNESDAY, JANUARY 2, 1805.

Mr. Moore reported, from the committee, that they had, on the 31st December last, laid the enrolled bill, entitled "An act for the disposal of certain copies of the laws of the United States," before the President of the United States for his approbation.

A message from the President of the United States, by Mr. Coles, his Secretary:

*Mr. President*: I am directed to notify the Senate that the President of the United States this day approved and signed "An act for the disposal of certain copies of the laws of the United States." And he withdrew.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

The bill, entitled "An act for the relief of John Steele," was read the second time.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act giving further time to register the evidences of titles to land south of the state of Tennessee;" and a bill, entitled "An act making appropriations for the support of the navy of the United States during the year one thousand eight hundred and five;" in which bills they desire the concurrence of the Senate. And he withdrew.

After proceedings as the high court of impeachments, as is stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

#### THURSDAY, JANUARY 3, 1805.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act supplementary to the act, entitled 'An act to regulate the collection of duties on imports and tonnage;'" and a bill, entitled "An act for carrying into more complete effect the tenth article of the treaty of friendship, limits, and navigation, with Spain;" in which bills they desire the concurrence of the Senate. And he withdrew.

The bills were read.

*Ordered*, That they severally pass to the second reading.

The bill, entitled "An act making an appropriation for the support of the navy of the United States during the year 1805;" also, the bill, entitled "An act giving further time to register the evidences of titles to land south of the state of Tennessee," brought up on the second instant from the House of Representatives for concurrence, were read.

*Ordered*, That they severally pass to the second reading.

After proceedings as the high court of impeachments, as is stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

#### FRIDAY, JANUARY 4, 1805.

The Senate resumed the second reading of the bill, entitled "An act for the relief of John Steele."

*Ordered*, That it be referred to Messrs. Tracy, Anderson, and Smith, of Ohio, to consider and report thereon.

The President communicated a letter from Pierce Butler, Esquire, late a Senator for the state of South Carolina, dated the 15th of December last, notifying the resignation of his seat in the Senate.

The bill, entitled "An act making appropriations for the support of the navy of the United States during the year one thousand eight hundred and five," was read the second time.



*Ordered*, That it be referred to Messrs. Baldwin, Franklin, and Smith, of Maryland, to consider and report thereon.

The bill, entitled "An act to amend the charter of Alexandria," was read the second time.

*Ordered*, That it be referred to Messrs. Baldwin, Bradley, and Condit, to consider and report thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives concur in the amendments of the Senate to the bill, entitled "An act concerning drawbacks on goods, wares, and merchandise." And he withdrew.

Mr. Moore reported, from the committee, that they had this day examined and found duly enrolled the bill, entitled "An act concerning drawbacks on goods, wares, and merchandise."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President. And he withdrew.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States for his approbation.

Mr. Mitchill, from the committee to whom was referred, on the 31st December last, the bill, entitled "An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen," reported the bill with amendments; which were read.

*Ordered*, That they lie for consideration.

Mr. Adams, from the committee to whom was referred, on the 26th of December last, the bill in addition to "An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war," reported the bill without amendment.

The bill entitled "An act giving further time to register the evidences of titles to land south of the state of Tennessee," was read the second time.

*Ordered*, That it be referred to Messrs. Bradley, Breckinridge, and Baldwin, to consider and report thereon.

The bill, entitled "An act supplementary to the act, entitled 'An act to regulate the collection of duties on imports and tonnage,'" was read the second time.

*Ordered*, That it be referred to Messrs. Smith, of Maryland, Mitchill, and Ellery, to consider and report thereon.

The bill, entitled "An act for carrying into more complete effect the tenth article of the treaty of friendship, limits, and navigation, with Spain," was read the second time.

*Ordered*, That it be referred to Messrs. Franklin, Baldwin, and Adams, to consider and report thereon.

The bill concerning the mode of surveying the public lands of the United States was read the second time.

*Ordered*, That it be referred to Messrs. Worthington, Brown, and Breckinridge, to consider and report thereon.

Mr. Smith, of Ohio, from the committee to whom was referred, on the 20th of December last, the bill, entitled "An act giving power to the stockholders of the Marine Insurance Company of Alexandria to insure against fire," reported the bill with amendment.

The bill to extend jurisdiction, in certain cases, to the state and territorial courts, was read the second time.

*Ordered*, That it be referred to Messrs. Breckinridge, Baldwin, and Giles, to consider and report thereon.

Mr. Franklin, from the committee to whom was referred, on the 20th of December last, the bill, entitled "An act to amend the act, entitled 'An act for the government and regulation of seamen in the merchants' service,'" reported the bill with amendment.

On motion,

The petition of the merchants, planters, and others, inhabitants of Louisiana, presented on the 31st of December last, was read; and,

On motion,

*Ordered*, That it be referred to Messrs. Giles, Franklin, Anderson, Tracy, and Baldwin, with liberty to report by bill or otherwise.



The Senate resumed the second reading of the bill, entitled "An act declaring Cambridge, in the state of Massachusetts, to be a port of delivery."

*Ordered*, That it pass to the third reading.

Mr. Breckinridge gave notice that he should, on Monday next, ask leave to bring in a bill for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana.

On motion,

The Senate adjourned to 11 o'clock on Monday morning.

### MONDAY, JANUARY 7, 1805.

The letter of Pierce Butler, Esq. announcing the resignation of his seat in the Senate, was read.

On motion,

*Ordered*, That the President be requested to notify to the Executive of the state of South Carolina the said resignation.

Mr. Moore reported, from the committee, that they did, on Friday last, lay before the President of the United States, for his approbation, the enrolled bill, entitled "An act concerning drawbacks on goods, wares, and merchandise."

Mr. Smith, of Maryland, from the committee to whom was referred, on the 20th of December last, the bill to amend the act, entitled "An act for the imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes," together with the amendment proposed thereto; reported them without amendment.

The Senate took into consideration the amendment reported on the 4th instant, to the bill, entitled "An act giving power to the stockholders of the Marine Insurance Company of Alexandria, to insure against fire;" and,

*Ordered*, That the consideration thereof be postponed until to-morrow.

Mr. Mitchill, from the committee to whom was referred, on the 28th of December last, the bill, entitled "An act to regulate the clearance of armed merchant vessels," reported amendments thereto; which were read.

*Ordered*, That they lie for consideration.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed the bill, sent from the Senate for concurrence, entitled "An act to divide the Indiana territory into two separate governments," with an amendment, in which they desire the concurrence of the Senate. The President of the United States hath notified the House of Representatives that he this day approved and signed "An act concerning drawbacks on goods, wares, and merchandise." And he withdrew.

The Senate took into consideration the amendments reported on the 4th instant, to the bill, entitled "An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen;" and, after debate,

*Ordered*, That the consideration thereof be postponed.

Mr. Smith, of Maryland, from the committee to whom was referred, on the 17th of December last, the bill, entitled "An act authorizing the corporation of Georgetown to make a dam or causeway from Mason's Island, to the western shore of the river Potomac," reported amendments thereto; which were read.

*Ordered*, That they lie for consideration.

The Senate resumed the second reading of the bill in addition to "An act making provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war," and having amended the bill,

*Ordered*, That the consideration thereof be further postponed.

The Senate took into consideration the amendment reported on the 4th instant, to the bill, entitled "An act to amend the act, entitled 'An act for the government and regulation of seamen in the merchants' service,'" and having agreed thereto,

*Ordered*, That this bill pass to the third reading as amended.

A motion was made, as follows:

*Resolved*, That the journals of the proceedings of the Senate sitting for the purpose of trying impeachments in the cases of William Blount, John Pickering, and Samuel Chase, be published as an appendix to the legislative journals of the Senate, for the present session.

The Senate resumed the second reading of the bill concerning certain public roads, and an amendment thereto was read, and submitted for consideration.



The bill, entitled "An act declaring Cambridge, in the state of Massachusetts, to be a port of delivery," was read the third time.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence of the Senate in this bill.

The amendment of the House of Representatives to the bill, entitled "An act to divide the Indiana territory into two separate governments, was read for consideration."

Agreeably to notice given on the 4th instant, Mr. Breckinridge asked and obtained leave to bring in a bill for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana; and the bill was read.

*Ordered*, That it pass to the second reading.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

### TUESDAY, JANUARY 8, 1805.

Mr. Bradley, from the committee to whom was referred, on the 17th of December last, the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina, together with the said act of the state of North Carolina, and the act of the state of Tennessee, to inquire what have been the acts and proceedings of said states in relation to the lands claimed by the United States within the state of Tennessee, made report; which was read.

*Ordered*, That it lie for consideration.

The following resolutions were read and submitted for consideration:

*Resolved*, That one or more land offices be opened for the sale of the public lands of the United States, on which the Indian title may have been extinguished, in the state of Tennessee.

*Resolved*, That commissioners be appointed, with ample powers, to settle all disputes relative to the lands ceded by North Carolina to the United States, and to quiet all claims agreeable to the conditions of the cession.

*Resolved*, After satisfying all just claims, and the expense incident thereto, that one — part of all the public lands belonging to the United States ought to be appropriated for the use of a college or university in said state forever; one — part for the use of schools for the instruction of children, forever; and five per cent. on the nett proceeds of the sales of the public lands, for the purpose of making roads: *Provided*, the state of North Carolina shall consent to the appropriations aforesaid.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill, entitled "An act to divide the Indiana territory into two separate governments;" and,

*Resolved*, That they do concur therein.

*Ordered*, That the Secretary acquaint the House of Representatives accordingly.

Mr. Worthington, from the committee to whom was referred, on the 4th instant, the bill concerning the mode of surveying the public lands of the United States, reported it without amendment.

Mr. Sumter, from the committee to whom was referred, on the 19th of December last, the bill supplementary to the act, entitled "An act to provide for the organization of the militia of the District of Columbia," reported it without amendment.

The Senate resumed the consideration of the amendment reported to the bill, entitled "An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen;" and,

On motion,

To agree to the amendment, a division of the question was called for, and that it should be taken on striking out; which passed in the negative.

*Ordered*, That the consideration of this bill be postponed until to-morrow.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

### WEDNESDAY, JANUARY 9, 1805.

Mr. Moore reported, from the committee, that they had this day examined and found duly enrolled the bill, entitled "An act to divide the Indiana territory into two separate governments;" also, the bill, entitled "An act declaring Cambridge, in the state of Massachusetts, to be a port of delivery."

A message from the House of Representatives, by Mr. Beckley, their Clerk:



*Mr. President:* The Speaker of the House of Representatives having signed two enrolled bills, I am directed to bring them to the Senate for the signature of their President. And he withdrew.

The President signed the two enrolled bills last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States, for his approbation.

The Senate resumed the second reading of the bill, entitled "An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen;" and, after debate,

On motion,

*Ordered,* That it be committed to Messrs. Baldwin, Franklin, and Maclay, to consider and report thereon.

The bill, entitled "An act to amend the act, entitled 'An act for the government and regulation of seamen in the merchants' service,'" was read the third time.

*Resolved,* That this bill do pass with an amendment.

*Ordered,* That the Secretary desire the concurrence of the House of Representatives in the amendment.

The Senate resumed the second reading of the bill, entitled "An act giving power to the stockholders of the Marine Insurance Company of Alexandria, to insure against fire;" and,

On the question, Shall this bill pass to the third reading?

It was determined in the negative.

So the bill was lost.

*Ordered,* That the Secretary acquaint the House of Representatives that the Senate do not concur in this bill.

Mr. Baldwin, from the committee to whom was referred, on the 4th instant, the bill, entitled "An act making appropriations for the support of the navy of the United States during the year one thousand eight hundred and five," reported an amendment thereto; which was read.

*Ordered,* That it lie for consideration.

The Senate adjourned to 11 o'clock to-morrow morning.

#### THURSDAY, JANUARY 10, 1805.

Mr. Moore reported, from the committee, that they had this day laid before the President of the United States, for his approbation, the enrolled bill, entitled "An act to divide the Indiana territory into two separate governments;" also, the enrolled bill, entitled "An act declaring Cambridge, in the state of Massachusetts, to be a port of delivery."

Mr. Jackson, from the committee to whom was referred, on the 28th of December last, "An act for establishing rules and articles for the government of the armies of the United States," reported the bill with amendments; which were read.

*Ordered,* That they lie for consideration.

The bill for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana was read the second time.

*Ordered,* That it be referred to Messrs. Breckinridge, Smith, of Vermont, and Anderson, to consider and report thereon.

The Senate took into consideration the amendment proposed to the bill, to amend the act, entitled "An act for the imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes;" and, having adopted the report,

*Ordered,* That the bill pass to the third reading as amended.

The amendment reported to the bill, entitled "An act authorizing the corporation of Georgetown to make a dam or causeway from Mason's island to the western shore of the river Potomac," was resumed; and it was agreed that the further consideration thereof should be the order of the day for Monday next.

The Senate took into consideration the amendments reported to the bill, entitled "An act to regulate the clearance of armed merchant vessels," and, after debate,

On motion,

The Senate adjourned to 11 o'clock to-morrow morning.

#### FRIDAY, JANUARY 11, 1805.

A message from the President of the United States, by Mr. Coles, his Secretary:

*Mr. President:* I am directed to notify the Senate that the President of the United



States did on this day approve and sign "An act to divide the Indiana territory into two separate governments." And he withdrew.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

Mr. Baldwin, from the committee to whom was referred, on the 9th instant, the bill, entitled "An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen," reported the bill with an amendment.

The bill to amend the act, entitled "An act for the imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes," was read the third time.

*Resolved*, That this bill do pass, that it be engrossed, and that the title thereof be "An act to amend the act, entitled 'An act for the imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes.'"

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The President of the United States hath notified the House of Representatives that he this day approved and signed "An act declaring Cambridge, in the state of Massachusetts, to be a port of delivery." And he withdrew.

The Senate resumed the consideration of the amendments reported to the bill, entitled "An act to regulate the clearance of armed merchant vessels;" and,

On motion to adopt the first amendment reported, which goes to increase the penalty of the bond, by insertion, after the word "furniture," of the words "and also in the additional sum of ten thousand dollars:"

It passed in the negative,     { Yeas . . . . . 12,  
  { Nays . . . . . 18.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Anderson, Baldwin, Breckinridge, Cocke, Condit, Franklin, Jackson, Logan, Maclay, Moore, Sumter, and Worthington.

Those who voted in the negative, are,

Messrs. Adams, Bradley, Brown, Dayton, Ellery, Hillhouse, Howland, Mitchill, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Stone, White, and Wright.

On motion,

*Ordered*, That the further consideration of the bill and amendments be postponed until Monday next.

On motion,

The Senate adjourned to 11 o'clock on Monday morning.

#### MONDAY, JANUARY 14, 1805.

Mr. Sumter, from the committee to whom was referred, on the 20th December last, the bill, entitled "An act to provide for the completing the valuation of lands and dwelling houses, and the enumeration of slaves, in South Carolina, and for other purposes," reported the bill without amendment.

Mr. Breckinridge, from the committee to whom was referred, on the 10th instant, the bill to extend jurisdiction in certain cases to the state and territorial courts, reported the bill with amendments; which were read.

*Ordered*, That they lie for consideration.

Mr. Logan presented the memorial and petition of the board of directors of the Philadelphia Typographical Society, praying an additional duty on the importation of foreign books; which was read.

*Ordered*, That it lie on the table.

The Senate resumed the second reading of the bill, entitled "An act to regulate the clearance of armed merchant vessels," together with the amendments reported thereto; and,

On motion,

*Ordered*, That the bill and amendments be referred to Messrs. Smith, of Maryland, Baldwin, Giles, Tracy, and Breckinridge, to consider and report thereon.

Mr. Franklin, from the committee to whom was referred, on the 4th instant, the bill, entitled "An act for carrying into more complete effect the tenth article of the treaty of friendship, limits, and navigation, with Spain," reported the bill with amendments.

On motion,

*Resolved*, That the members of the Senate, from a sincere desire of shewing every



mark of respect due to the memory of the honorable Samuel J. Potter, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing a crape round the left arm.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

### TUESDAY, JANUARY 15, 1805.

The Vice President being absent, the Senate proceeded to the choice of a President pro tempore, as the constitution provides, and the Honorable Joseph Anderson was elected.

*Ordered*, That the Secretary wait on the President of the United States and acquaint him that, the Vice President being absent, the Senate have elected the Honorable Joseph Anderson President of the Senate pro tempore.

*Ordered*, That the Secretary make a like communication to the House of Representatives.

The Honorable James A. Bayard, from the state of Delaware, attended. His credentials having been presented and read on the 23d of November last, the oath was administered to him by the President, as the law prescribes, and he took his seat in the Senate.

Mr. Tracy, from the committee to whom was referred, on the 4th instant, the bill, entitled "An act for the relief of John Steele," reported it without amendment.

Mr. Franklin notified the Senate that he should, to-morrow, ask leave to bring in a bill giving the assent of Congress to an act of the legislature of North Carolina, passed on the 19th December, 1804, entitled "An act for the relief of foreign seamen brought into the port of Wilmington."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act making an appropriation for completing the south wing of the Capitol at the City of Washington, and for other purposes;" also, a bill, entitled "An act further to amend an act, entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the state of Tennessee;" in which bills they desire the concurrence of the Senate. And he withdrew.

The bills were read.

*Ordered*, That they severally pass to the second reading.

The Senate resumed the consideration of the amendments reported to the bill, entitled "An act authorizing the corporation of Georgetown to make a dam or causeway from Mason's Island to the western shore of the river Potomac," and, having disagreed thereto.

*Ordered*, That the bill pass to the third reading.

On motion,

A letter signed Mathew Carey, stating the terms on which he would print certain additional copies of the laws of the United States, was read.

*Ordered*, That it be referred to Messrs. Maclay, Tracy, and Baldwin, to consider and report thereon.

The Senate adjourned to 11 o'clock to-morrow morning.

### WEDNESDAY, JANUARY 16, 1805.

The bill, entitled "An act making an appropriation for completing the south wing of the Capitol at the City of Washington, and for other purposes," was read the second time.

*Ordered*, That it be referred to Messrs. Mitchill, Logan, and Worthington, to consider and report thereon.

The bill, entitled "An act further to amend an act, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the state of Tennessee,'" was read the second time.

*Ordered*, That it be referred to Messrs. Jackson, Bradley, and Franklin, to consider and report thereon.

Agreeably to notice given yesterday, Mr. Franklin asked and obtained leave to bring in a bill giving the assent of Congress to an act of the legislature of North Carolina, passed on the 19th of December, 1804, entitled "An act for the relief of foreign seamen brought into the port of Wilmington;" and the bill was read.

*Ordered*, That this bill pass to the second reading.





FRIDAY, JANUARY 18, 1805.

Mr. Moore reported, from the committee, that they did yesterday lay before the President of the United States, for his approbation, the enrolled bill, entitled "An act authorizing the corporation of Georgetown to make a dam or causeway from Mason's Island to the western shore of the river Potomac."

The Senate resumed the second reading of the bill concerning certain public roads; and,

On motion,

To strike out of section 1st, line 5th, the words "one twentieth part," and insert, "remaining two per cent," a division was called for, and the question was taken on striking out:—

Which passed in the affirmative, { Yeas . . . . . 16,  
Nays . . . . . 10.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Adams, Baldwin, Bayard, Bradley, Brown, Condit, Ellery, Franklin, Hillhouse, Mitchill, Olcott, Pickering, Plumer, Smith, of New York, Stone, and Sumter.

Those who voted in the negative, are,

Messrs. Anderson, Breckinridge, Cocke, Dayton, Logan, Moore, Smith, of Maryland, Smith, of Ohio, Worthington, and Wright.

On the question, to insert the words "remaining two per cent.:"

It passed in the affirmative, { Yeas . . . . . 14,  
Nays . . . . . 11.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Adams, Baldwin, Bayard, Condit, Ellery, Franklin, Hillhouse, Mitchill, Olcott, Pickering, Plumer, Smith, of New York, Stone, and Sumter.

Those who voted in the negative, are,

Messrs. Anderson, Bradley, Breckinridge, Brown, Cocke, Dayton, Moore, Smith, of Maryland, Smith, of Ohio, Worthington, and Wright.

On motion,

*Ordered*, That the consideration of the bill be further postponed until Monday next.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act making appropriations for the support of government for the year 1805," in which they desire the concurrence of the Senate. They agree to the amendment of the Senate to the bill, entitled "An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen," with an amendment, in which they desire the concurrence of the Senate. And he withdrew.

The bill first mentioned in the message was read.

*Ordered*, That it pass to the second reading.

The Senate took into consideration the amendment to their amendment to the bill last mentioned in the message; and

*Resolved*, That they do concur therein.

*Ordered*, That the Secretary acquaint the House of Representatives therewith.

Mr. Smith, of Maryland, from the committee to whom was referred, on the 4th instant, the bill, entitled "An act supplementary to the act, entitled 'An act to regulate the collection of duties on imports and tonnage,'" reported an amendment thereto; which was read.

*Ordered*, That it lie for consideration.

Mr. Smith also reported, from the last mentioned committee, to whom was yesterday referred the petition of certain merchants of the city of New York, that it would be inexpedient to comply with the prayer of the petition.

Mr. Franklin, from the committee to whom was referred yesterday the bill giving the assent of Congress to an act of the legislature of North Carolina, passed on the 19th of December, 1804, entitled "An act for the relief of foreign seamen brought into the port of Wilmington," reported it without amendment.

Mr. Dayton presented the petition of Benjamin Hovey, in behalf of himself and associates, praying a grant or the pre-emption right of one hundred thousand acres of land in the Indiana territory, for the encouragement of the association, having undertaken to open a passage from the head to the foot of the rapids of the Ohio river; and the petition was read.

*Ordered*, That it be referred to Messrs. Dayton, Smith, of Ohio, and Brown, to consider and report thereon.

The Senate resumed the second reading of the bill concerning the mode of surveying the public lands of the United States; and

On motion,

Adjourned to 11 o'clock on Monday morning.

### MONDAY, JANUARY 21, 1805.

Mr. Moore reported, from the committee, that they this day examined and found duly enrolled the bill, entitled "An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen."

The bill, entitled "An act making appropriations for the support of government for the year 1805," was read the second time.

*Ordered*, That it be referred to Messrs. Baldwin, Brown, and Smith, of Maryland, to consider and report thereon.

Mr. Logan presented the petition of Henry and William Stewart, calico printers, praying that the allowance of drawback may be extended to the exportation of India muslins, which they print and dye, in like manner as is provided on the exportation of white India muslins; and the petition was read.

*Ordered*, That it lie on the table.

The bill concerning certain public roads was further postponed until to-morrow.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act to amend the charter of Georgetown," in which they desire the concurrence of the Senate. The President of the United States hath notified the House of Representatives that he did, on the 19th instant, approve and sign "An act authorizing the corporation of Georgetown to make a dam or causeway, from Mason's island to the western shore of the river Potomac." The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate, for the signature of their President. And he withdrew.

The bill last brought up for concurrence was read.

*Ordered*, That it pass to the second reading.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States, for his approbation.

The Senate resumed the second reading of the bill concerning the mode of surveying the public lands of the United States; and

On motion,

It was agreed that this bill be the order of the day for Wednesday next.

Mr. Logan presented a petition signed Thomas Morris, clerk, on behalf of the meeting of the representatives of the people called Quakers, in Pennsylvania, New Jersey, &c. stating, that the petitioners, from a sense of religious duty, had again come forward, to plead the cause of their oppressed and degraded fellow-men of the African race; and,

On the question, Shall this petition be received?

It passed in the affirmative, { Yeas . . . . . 19,  
  { Nays . . . . . 9.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Adams, Bayard, Brown, Condit, Franklin, Hillhouse, Howland, Logan, Maclay, Mitchill, Olcott, Pickering, Plumer, Smith, of Ohio, Smith, of Vermont, Stone, Sumter, White, and Worthington.

Those who voted in the negative, are,

Messrs. Anderson, Baldwin, Bradley, Cocke, Jackson, Moore, Smith, of Maryland, Smith, of New York, and Wright.

So the petition was read.

Mr. Smith, of Maryland, from the committee to whom was referred, on the 14th instant, the bill, entitled "An act to regulate the clearance of armed merchant vessels," reported the bill with amendments.

The Senate adjourned to 11 o'clock to-morrow morning.

### TUESDAY, JANUARY 22, 1805.

The President laid before the Senate a letter from the Treasurer of the United States, with his account from the first of October, 1803, to October 1, 1804; also the accounts of the War and Navy Departments for the same period; which were read.



*Ordered*, That they lie for consideration.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President.* The House of Representatives have passed a bill, entitled "An act authorizing the Postmaster General to make a new contract for carrying the mail from Fayetteville in North Carolina, to Charleston in South Carolina;" also, a bill, entitled "An act making appropriations for the support of the military establishment of the United States, for the year 1805," in which bills they desire the concurrence of the Senate. And he withdrew.

The bills were read.

*Ordered*, That they severally pass to the second reading.

Mr. Moore reported, from the committee, that they this day laid before the President of the United States, for his approbation, the enrolled bill, entitled "An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen."

The bill, entitled "An act to amend the charter of Georgetown," was read the second time.

*Ordered*, That it be referred to Messrs. Adams, Logan, and Franklin, to consider and report thereon.

On motion,

It was agreed that the consideration of the bill concerning certain public roads be further postponed.

The Senate resumed the second reading of the bill supplementary to the act, entitled "An act to provide for the organization of the militia of the District of Columbia;" and having amended the bill:

On the question, Shall this bill pass to the third reading as amended?

It was determined in the negative.

So the bill was lost.

The Senate took into consideration the amendment reported on the 9th instant, to the bill, entitled "An act making appropriations for the support of the navy of the United States, during the year 1805;" and having agreed thereto,

*Ordered*, That the bill pass to the third reading as amended.

The Senate resumed the second reading of the bill, entitled "An act making an appropriation for completing the south wing of the Capitol, at the city of Washington;" and,

*Ordered*, That this bill pass to the third reading.

The Senate resumed the second reading of the bill, giving the assent of Congress to an act of the legislature of North Carolina, passed on the 19th December, 1804, entitled "An act for the relief of foreign seaman, brought into the port of Wilmington," and

On motion,

*Ordered*, That this bill be recommitted to the committee to whom it was referred on the 17th instant, further to consider and report thereon.

The Senate resumed the second reading of the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina," together with the amendment reported on the 8th instant; and

It was agreed that they be the order of the day for Monday next.

The Senate took into consideration the amendments reported on the 14th instant, to the bill, entitled "An act for carrying into more complete effect the 10th article of the treaty of friendship, limits, and navigation, with Spain," and having agreed to the amendments,

*Ordered*, That the bill pass to the third reading as amended.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

### WEDNESDAY, JANUARY 23, 1805.

Mr. Mitchill presented the memorial of a number of inhabitants of the city of New York, stating that inconvenience arises from depositing the revenue bonds for collection in the Bank of the United States and its branches, and praying the interposition of Congress on the subject; and the memorial was read.

*Ordered*, That it be referred to Messrs. Mitchill, Baldwin, and Smith, of Maryland, to consider and report thereon.

The bill, entitled "An act authorizing the Postmaster General to make a new contract for carrying the mail from Fayetteville in North Carolina, to Charleston in South Carolina," was read the second time.

*Ordered*, That it be referred to Messrs. Smith, of New York, Bradley, and Jackson, to consider and report thereon.

The bill, entitled "An act making appropriations for the support of the military establishment of the United States, for the year 1805," was read the second time.

*Ordered*, That it be referred to Messrs. Baldwin, Jackson, and Smith, of Vermont, to consider and report thereon.

Mr. Breckinridge, from the committee to whom was referred, on the 10th instant, the bill for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana, reported the bill without amendment.

The bill, entitled "An act making appropriations for the support of the navy of the United States during the year 1805," was read the third time as amended.

*Resolved*, That this bill do pass with an amendment.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendment.

The bill, entitled "An act for carrying into more complete effect the 10th article of the treaty of friendship, limits, and navigation, with Spain," was read the third time as amended.

*Resolved*, That this bill do pass with amendments.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives therein.

The bill, entitled "An act making an appropriation for completing the south wing of the Capitol at the city of Washington, and for other purposes," was read the third time; and

On motion,

The bill was amended; and,

*Resolved*, That this bill do pass with an amendment.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendment.

The Senate resumed the second reading of the bill concerning the mode of surveying the public lands of the United States; and

*Ordered*, That this bill pass to the third reading.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act for the relief of the widow and orphan children of Robert Elliott," in which they desire the concurrence of the Senate. They agree to the amendment of the Senate to the bill, entitled "An act making appropriations for the support of the navy of the United States during the year 1805;" also, to the amendment to the bill, entitled "An act making an appropriation for completing the south wing of the Capitol at the city of Washington, and for other purposes." And he withdrew.

The bill last brought up for concurrence was read.

*Ordered*, That it pass to the second reading.

The Senate resumed the second reading of the bill concerning certain public roads, and agreed to an amendment.

On motion,

*Ordered*, That it be recommitted to Messrs. Worthington, Brown, Franklin, Smith, of Ohio, and Breckinridge, to consider and report thereon.

The Senate adjourned to 11 o'clock to-morrow morning.

#### THURSDAY, JANUARY 24, 1805.

The bill, entitled "An act for the relief of the widow and orphan children of Robert Elliott," was read the second time.

*Ordered*, That it be referred to Messrs. Maclay, Bradley, and Baldwin, to consider and report thereon.

The Senate took into consideration the amendment reported, on the 18th instant, to the bill, entitled "An act supplementary to the act, entitled 'An act to regulate the collection of duties on imports and tonnage;' and, having adopted the amendment,

*Ordered*, That the bill pass to the third reading as amended.

Mr. Moore reported, from the committee, that they this day examined and found duly enrolled the bill, entitled "An act making appropriations for the support of the navy of the United States during the year 1805;" also, the bill, entitled "An act making an appropriation for completing the south wing of the Capitol at the city of Washington, and for other purposes."

The Senate resumed the second reading of the bill, entitled "An act to provide for the completing the valuation of lands and dwelling houses, and the enumeration of slaves, in South Carolina, and for other purposes;" and



*Ordered*, That this bill pass to the third reading.

The Senate took into consideration the motion made on the 7th of January last, "That the journals of the proceedings of the Senate sitting for the purpose of trying impeachments in the case of William Blount, John Pickering, and Samuel Chase, be published as an appendix to the legislative journals of the Senate for the present session;" and

*Ordered*, That it be referred to Messrs. Giles, Adams, and Baldwin, to consider and report thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act for the relief of Alexander Murray;" in which they desire the concurrence of the Senate. The President of the United States hath notified the House of Representatives that he yesterday approved and signed "An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen." The Speaker having signed two enrolled bills, I am directed to bring them to the Senate for the signature of their President. And he withdrew.

The President signed the two enrolled bills last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States for his approbation.

The bill last brought up for concurrence was read.

*Ordered*, That it pass to the second reading.

The bill concerning the mode of surveying the public lands of the United States was read the third time.

*Resolved*, That this bill do pass, that it be engrossed, and that the title thereof be "An act concerning the mode of surveying the public lands of the United States."

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill.

The Senate resumed the second reading of the bill in addition to "An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war;" and

*Ordered*, That the consideration thereof be further postponed.

The Senate resumed the consideration of the amendments reported on the 10th instant, to the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States;" and the amendments were amended, and, in part, adopted; and

*Ordered*, That the consideration of the remainder thereof be postponed.

The Senate adjourned to 11 o'clock to-morrow morning.

#### FRIDAY, JANUARY 25, 1805.

The bill, entitled "An act for the relief of Alexander Murray," was read the second time.

*Ordered*, That it be referred to Messrs. Smith, of Maryland, Mitchell, and White, to consider and report thereon.

The bill, entitled "An act supplementary to the act, entitled 'An act to regulate the collection of duties on imports and tonnage,'" was read the third time as amended.

*Resolved*, That this bill do pass with an amendment.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendment.

The bill, entitled "An act to provide for the completing the valuation of lands and dwelling houses, and the enumeration of slaves, in South Carolina, and for other purposes," was read the third time.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence of the Senate in this bill.

A written message was received from the President of the United States, by Mr. Coles, his Secretary.

The Senate resumed the consideration of the amendments reported to the bill, entitled "An act for establishing the rules and articles for the government of the armies of the United States," which were amended and adopted; and, having agreed to sundry amendments to the bill,

*Ordered*, That it be recommitted to Messrs. Adams, Wright, and White, further to consider and report thereon.

On motion,

The Senate adjourned to 11 o'clock to-morrow morning.

SATURDAY, JANUARY 26, 1805.

The message received yesterday from the President of the United States was read, as follows:

*To the Senate and House of Representatives of the United States:*

I communicate, for the information of Congress, the report of the Director of the Mint, of the operations of that institution during the last year.

TH. JEFFERSON.

January 25, 1805.

*Ordered,* That the message and report lie for consideration.

Mr. Smith, of Maryland, from the committee to whom was yesterday referred the bill, entitled "An act for the relief of Alexander Murray," reported it without amendment.

Mr. Smith, of New York, from the committee to whom was referred, on the 23d instant, the bill, entitled "An act authorizing the Postmaster General to make a new contract for carrying the mail from Fayetteville, in North Carolina, to Charleston, in South Carolina," reported the bill with an amendment.

The Senate took into consideration the amendments reported on the 14th instant to the bill to extend jurisdiction, in certain cases, to the state and territorial courts; and the amendments were disagreed to; and

On motion,

The bill was amended.

*Ordered,* That this bill pass to the third reading as amended.

Mr. Worthington, from the committee to whom was recommitted, on the 23d instant, the bill concerning certain public roads, reported it with amendments.

The Senate resumed the second reading of the bill, entitled "An act for the relief of John Steele," and

*Ordered,* That it pass to the third reading.

Mr. Wright gave notice that he should, on Monday next, ask leave to bring in a bill to regulate fees and proceedings in the courts of the United States in certain cases, and for other purposes.

The Senate resumed the second reading of the bill in addition to "An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war;" and

On motion,

The second and third sections were rejected; and the first section having been amended,

On the question, Shall this bill pass to the third reading as amended?

It was determined in the affirmative, { Yeas . . . . . 12,  
Nays . . . . . 11.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Adams, Anderson, Brown, Cocke, Condit, Giles, Hillhouse, Jackson, Pickering, Smith, of Maryland, Sumter, and Wright.

Those who voted in the negative, are,

Messrs. Baldwin, Bradley, Breckinridge, Franklin, Howland, Maclay, Mitchill, Olcott, Plumer, Smith, of New York, and Smith, of Vermont.

The Senate adjourned to 11 o'clock on Monday morning.

MONDAY, JANUARY 28, 1805.

Mr. Moore reported, from the committee, that they on the 25th instant laid before the President of the United States for his approbation, the bill, entitled "An act making an appropriation for completing the south wing of the Capitol at the City of Washington, and for other purposes;" also, the bill, entitled "An act making appropriations for the support of the navy of the United States, during the year 1805." And that they had this day examined and found duly enrolled the bill, entitled "An act to provide for the completing the valuation of lands and dwelling houses, and the enumeration of slaves, in South Carolina, and for other purposes."

Mr. Dayton, from the committee to whom was referred, on the 18th instant, the petition of Benjamin Hovey, made report; which was read.

*Ordered,* That it lie for consideration.

Mr. Baldwin, from the committee to whom was referred, on the 4th instant, the bill, entitled "An act to amend the charter of Alexandria," reported it without amendment.



Mr. Maclay, from the committee to whom was referred, on the 24th instant, the bill, entitled "An act for the relief of the widow and orphan children of Robert Elliott," reported the bill without amendment.

Agreeably to notice given on the 26th instant, Mr. Wright asked and obtained leave to bring in a bill to regulate fees and proceedings in the courts of the United States, in certain cases, and for other purposes; and the bill was read.

*Ordered*, That it pass to the second reading.

Mr. Worthington presented the petition of the inhabitants of the county of Greene, in the state of Pennsylvania, stating that if a road passes through New Geneva, or near it, the most eligible route thence is through the town of Waynesburgh to the mouth of Grave creek; and the petition was read.

*Ordered*, That it lie on the table.

The bill in addition to "An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war," was read the third time; and,

On motion to amend the bill, it was agreed that the consideration thereof be postponed until to-morrow.

The bill to extend jurisdiction in certain cases to the state and territorial courts was read the third time.

*Resolved*, That this bill do pass, that it be engrossed, and that the title thereof be "An act to extend jurisdiction in certain cases to the state and territorial courts."

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill.

The bill, entitled "An act for the relief of John Steele," was read the third time.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The President of the United States hath notified the House of Representatives, that, on the 25th instant, he approved and signed "An act making appropriations for the support of the navy of the United States during the year 1805;" also, "An act making appropriation for completing the south wing of the Capitol at the city of Washington." The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President. And he withdrew.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States for his approbation.

The Senate resumed the second reading of the bill, entitled "An act for the relief of Alexander Murray;" and,

*Ordered*, That it pass to the third reading.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: I am directed to acquaint the Senate that the House of Representatives have elected Mr. Clarke a manager to conduct the impeachment against Samuel Chase, one of the associate justices of the Supreme Court of the United States, in the place of Mr. Nelson, who hath been excused that service. And he withdrew.

On motion,

That ——— be directed to procure and lay before the Senate, at their next session, tables of the fees and compensation paid to attorneys at law, to prothonotaries, registers, and clerks of judicial courts, to sheriffs and coroners, to grand and petit jurors, and to witnesses, in the several states:

*Ordered*, That this motion lie for consideration.

A motion was made, that it be

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate such documents and papers, or other information, as he shall judge proper, relative to complaints against arming the merchant ships or vessels of the United States, or the conduct of the captains and crews of such as have been armed;" and,

On the question, Will the Senate agree to this resolution?

It passed in the affirmative, { Yeas . . . . . 30,  
  { Nays . . . . . 1.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Ellery, Franklin, Giles, Hillhouse, Howland, Logan, Maclay, Mitchell.

Moore, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Stone, Sumter, Tracy, White, and Worthington.

Mr. Wright voted in the negative.

So the resolution was adopted.

*Ordered*, That Messrs. Giles and Tracy be a committee to lay the foregoing resolution before the President of the United States.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

## TUESDAY, JANUARY 29, 1805.

Mr. Moore reported, from the committee, that they had this day examined and found duly enrolled the bill, entitled "An act for the relief of John Steele;" and that yesterday they laid before the President of the United States, for his approbation, the enrolled bill, entitled "An act to provide for the completing the valuation of lands and dwelling houses, and the enumeration of slaves, in South Carolina, and for other purposes."

The Senate took into consideration the resolution proposed yesterday, respecting the fees and compensations to the officers of the judicial courts; which was agreed to, as follows:

*Resolved*, That the Attorney General of the United States be directed to procure and lay before the Senate, at their next session, tables of the fees and compensation paid to attorneys at law, prothonotaries, registers, and clerks of judicial courts, to sheriffs and coroners, to grand and petit jurors, and to witnesses, in the several states.

The bill to regulate fees and proceedings in the courts of the United States in certain cases, and for other purposes, was read the second time.

*Ordered*, That it be referred to Messrs. Wright, Baldwin, and Breckinridge, to consider and report thereon.

Mr. Baldwin, from the committee to whom was referred, on the 21st instant, the bill, entitled "An act making appropriations for the support of government for the year 1805," reported the bill with amendments; which were read.

*Ordered*, That they lie for consideration.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act authorizing the discharge of John York from his imprisonment," in which bill they desire the concurrence of the Senate. The Speaker having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President. And he withdrew.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States for his approbation.

The bill last brought up for concurrence was read.

*Ordered*, That it pass to the second reading.

The bill, entitled "An act for the relief of Alexander Murray," was read the third time.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence.

Mr. Giles reported, from the committee appointed yesterday to wait on the President of the United States, that they had performed that service; and that the President of the United States informed the committee that the papers requested should be furnished with all possible dispatch.

Mr. Giles, from the committee to whom was referred, on the 4th instant, the petition of the merchants, planters, and other inhabitants, of Louisiana, reported a bill further providing for the government of the territory of Orleans; and the bill was read.

*Ordered*, That it pass to the second reading.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

## WEDNESDAY, JANUARY 30, 1805.

Mr. Moore reported, from the committee, that they yesterday examined and found duly enrolled the bill, entitled "An act for the relief of Alexander Murray;" and that they had this day laid before the President of the United States, for his approbation, the enrolled bill, entitled "An act for the relief of John Steele."



The bill, entitled "An act authorizing the discharge of John York from his imprisonment," was read the second time.

*Ordered*, That it be referred to Messrs. Logan, Olcott, and Cocke, to consider and report thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The President of the United States hath notified the House of Representatives that he this day approved and signed "An act to provide for the completing the valuation of lands and dwelling houses, and the enumeration of slaves, in South Carolina, and for other purposes." The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President. And he withdrew.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States for his approbation.

The President laid before the Senate the petition of Andrew Jackson, Major General, and sundry others, militia officers and other citizens of the state of Tennessee, praying Congress to amend the articles and rules for the future government of the army, in respect to certain parts of their dress and uniform; and,

On the question, Shall this petition be referred to the committee appointed on the 25th instant, who have under consideration the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States?"

It passed in the affirmative, { Yeas . . . . . 16,  
  { Nays . . . . . 15.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Cocke, Condit, Franklin, Hillhouse, Maclay, Mitchill, Olcott, Pickering, Plumer, Stone, and Worthington.

Those who voted in the negative, are,

Messrs. Breckinridge, Brown, Dayton, Giles, Howland, Jackson, Logan, Moore, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Sumter, White and Wright.

The Senate adjourned to 11 o'clock to-morrow morning.

#### THURSDAY, JANUARY 31, 1805.

Mr. Moore reported, from the committee, that they this day laid before the President of the United States, for his approbation, the enrolled bill, entitled "An act for the relief of Alexander Murray."

The Honorable John Gaillard, appointed a Senator by the legislature of the state of South Carolina, in the room of Pierce Butler, Esq. resigned, took his seat in the Senate, and the oath prescribed was administered to him by the President.

Mr. Smith, of Vermont, gave notice that he should to-morrow ask leave to bring in a bill for the government of the District of Columbia.

Mr. Logan, from the committee to whom yesterday was referred the bill, entitled "An act authorizing the discharge of John York from his imprisonment," reported the bill without amendment.

Mr. Baldwin, from the committee to whom was referred, on the 23d instant, the bill, entitled "An act making appropriations for the support of the military establishment of the United States for the year 1805," reported the bill without amendments.

The bill further providing for the government of the territory of Orleans was read the second time.

And it was agreed that the consideration thereof be postponed.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The President of the United States hath notified the House of Representatives that he this day approved and signed "An act for the relief of John Steele;" also, "An act for the relief of Alexander Murray." And he withdrew.

A written message was received from the President of the United States, by Mr. Coles, his Secretary.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

#### FRIDAY, FEBRUARY 1, 1805.

The message received yesterday from the President of the United States was read, as follows:

*To the Senate of the United States:*

According to the desire expressed in your resolution of the 28th instant, I now communicate a report of the Secretary of State, with documents relative to complaints against arming the merchant ships and vessels of the United States, and the conduct of the captains and crews of such as have been armed.

TH. JEFFERSON.

January 31, 1805.

On motion,

*Ordered*, That the message and papers accompanying it lie for consideration; and that, in the meantime, they be printed for the use of the Senate.

The Senate resumed the second reading of the bill further providing for the government of the territory of Orleans; and having agreed to an amendment,

*Ordered*, That the further consideration thereof, be postponed.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

SATURDAY, FEBRUARY 2, 1805.

Agreeably to notice given on Thursday last, Mr. Smith, of Vermont, asked and obtained leave to bring in a bill to provide for the government of the territory of Columbia, and to repeal the acts of Congress therein mentioned; and the bill was read.

*Ordered*, That it pass to the second reading.

Mr. Adams, from the committee to whom was referred, on the 22d of January last, the bill, entitled "An act to amend the charter of Georgetown," reported the bill with amendments; which were read.

*Ordered*, That they lie for consideration.

The Senate resumed the second reading of the bill further providing for the government of the territory of Orleans; and

*Ordered*, That the consideration thereof be postponed until Monday next.

The bill, in addition to "An act to make provision for persons that have been disabled by known wounds, received in the actual service of the United States, during the Revolutionary war," was read the third time.

*Resolved*, That this bill do pass, that it be engrossed, and that the title thereof be "An act, in addition to 'An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war.'"

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill.

Mr. Giles, from the committee to whom was referred, on the 24th of January last, the motion, "That the journals of the proceedings of the Senate, sitting for the purpose of trying impeachments, in the cases of William Blount, John Pickering, and Samuel Chase, be published as an appendix to the legislative journals of the Senate, for the present session," made report; which was read, and ordered to lie for consideration.

Mr. Wright presented the memorial of George Scoone, stating, that he was wounded in the battle near Camden, in the year 1781, and that he hath been for some time on the pension list, and praying that his pension may be continued and the arrears thereof paid up; and the memorial was read.

*Ordered*, That it be referred to Messrs. Wright, Tracy, and Franklin, to consider and report thereon.

The Senate resumed the second reading of the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina."

*Ordered*, That the further consideration thereof be postponed.

The Senate resumed the second reading of the bill for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana; and,

*Ordered*, That it pass to the third reading.

The Senate resumed the consideration of the amendments reported by the committee to whom was referred the bill, entitled "An act authorizing the Postmaster General to make a new contract for carrying the mail from Fayetteville, in North Carolina, to Charleston, in South Carolina;" and having disagreed to the amendment,

*Ordered*, That the bill pass to the third reading.

After the consideration of the Executive business,

The Senate adjourned to 11 o'clock on Monday morning.



MONDAY, FEBRUARY 4, 1805.

Mr. Smith, of Ohio, presented the petition of Jeremiah Hunt and Ethan Stone, praying the pre-emption right of certain gores of public lands in the town of Cincinnati, for reasons mentioned in the petition; also, the petition of Joseph Prince, President of the Select Council of Cincinnati, on the same subject; and the petitions were read.

*Ordered*, That they be severally referred to Messrs. Smith, of Ohio, Baldwin, and Brown, to consider and report thereon.

Mr. Anderson presented the petition of George Dougherty, in behalf of himself and the officers and men who accompanied him as volunteers to Natchez, in the Mississippi territory, praying that twelve thousand dollars deducted from their compensation may be restored to them, for reasons stated in the petition; and the petition was read.

*Ordered*, That it be referred to Messrs. Anderson, Smith, of Maryland, and Tracy, to consider and report thereon.

After the proceedings as the high court of impeachments, as is stated on the record, The Senate adjourned to 11 o'clock to morrow morning.

TUESDAY, FEBRUARY 5, 1805.

The President communicated a report of the Postmaster General, of the roads which have not produced one third part of the expense of carrying the mail upon them during the last year; and the report was read.

*Ordered*, That it lie for consideration.

Mr. Wright, from the committee to whom was referred the bill to regulate fees and proceedings in the courts of the United States in certain cases, and for other purposes, reported the bill without amendment.

Mr. Bradley, from the committee to whom was referred the bill, entitled "An act giving further time to register the evidences of titles to land south of the state of Tennessee, reported it without amendment.

The amendment reported to the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina," was resumed and adopted.

*Ordered*, That this bill pass to the third reading as amended.

The Senate resumed the consideration of the amendment reported to the bill, entitled "An act to regulate the clearance of armed merchant vessels," which goes to strike out the whole of said bill, after the enacting clause, for the purpose of inserting an amendment; and,

A division was called for; and the question was taken on striking out, which

Passed in the negative,	{ Yeas . . . . . 13,
	{ Nays . . . . . 16.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Adams, Bayard, Dayton, Hillhouse, Mitchill, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of Ohio, Smith, of Vermont, Tracy, and Wright.

Those who voted in the negative, are,

Messrs. Anderson, Baldwin, Bradley, Breckinridge, Brown, Cocke, Condit, Franklin, Gaillard, Howland, Jackson, Maclay, Moore, Smith, of New York, Sumter, and Worthington.

On motion to expunge from first section of the original bill the words "in a sum equal to double the value of said vessel, her arms, ammunition, tackle, apparel, and furniture," in order to insert "seven thousand dollars:"

It passed in the negative,	{ Yeas . . . . . 12,
	{ Nays . . . . . 22.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Adams, Bayard, Dayton, Hillhouse, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of Ohio, Tracy, White, and Wright.

Those who voted in the negative, are,

Messrs. Anderson, Baldwin, Bradley, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Gaillard, Giles, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Smith, of New York, Smith, of Vermont, Stone, Sumter, and Worthington.

And, on motion, it was agreed to postpone the further consideration of this bill.

A written message was received from the President of the United States, by Mr. Coles, his Secretary:

*To the Senate and House of Representatives of the United States:*

The Secretary of State has lately received a note from the Danish Charge des Affaires, claiming, in the name of his government, restitution, in the case of the brigantine Henrick, communicated to Congress at a former session, in which note were transmitted sundry documents, chiefly relating to the value and neutral character of the vessel, and to the question whether the judicial proceedings were instituted and conducted without the concurrence of the captain of the Henrick. As these documents appear to form a necessary appendage to those already before Congress, and throw additional light on the subject, I transmit copies of them herewith.

TH. JEFFERSON.

February 5, 1805.

The message and documents therein referred to were read.

*Ordered,* That they lie for consideration.

The President laid before the Senate the report of the commissioners of the sinking fund, stating, that the measures which have been authorized by the board, subsequent to the 4th of February, 1804, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to the said board, dated the 4th day of the present month, and in the statements therein referred to; and the report was read.

*Ordered,* That it lie for consideration.

*Ordered,* That the Secretary inform the House of Representatives that the Senate are going to their public chamber, to proceed further on the trial of Samuel Chase, one of the associate justices of the supreme court.

After the consideration of the Executive business, and proceedings as the high court of impeachment, as stated on the record, the Senate adjourned to half past 10 o'clock to-morrow morning.

### WEDNESDAY, FEBRUARY 6, 1805.

The bill to provide for the government of the territory of Columbia, and to repeal the acts of Congress therein mentioned, was read the second time.

*Ordered,* That it be referred to Messrs. Mitchill, Smith, of Vermont, and Anderson, to consider and report thereon.

Mr. Anderson gave notice that he should to-morrow ask leave to bring in a bill further providing for the government of the territory of Louisiana.

The Senate resumed the second reading of the bill, entitled "An act to regulate the clearance of armed merchant vessels;" and,

On motion, to expunge, from the first section of the original bill, these words: "that after due notice of this act at the several custom houses:"

It passed in the negative, { Yeas . . . . . 13,  
  { Nays . . . . . 20.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Adams, Bayard, Dayton, Ellery, Hillhouse, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of Ohio, Tracy, White, and Wright.

Those who voted in the negative, are,

Messrs. Anderson, Baldwin, Bradley, Breckinridge, Brown, Cocke, Condit, Franklin, Gaillard, Giles, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Smith, of New York, Smith, of Vermont, Sumter, and Worthington.

And having agreed to sundry amendments,

*Ordered,* That the consideration of the bill be further postponed.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed a bill, entitled "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction;" also, a bill, entitled "An act to continue in force an act declaring the consent of Congress to an act of the state of Maryland, passed the 28th day of December, 1793, for the appointment of a health officer;" in which bills they desire the concurrence of the Senate. And he withdrew.

The bills were read.

*Ordered,* That they severally pass to the second reading.

The bill, entitled "An act authorizing the Postmaster general to make a new contract for carrying the mail from Fayetteville, in North Carolina, to Charleston, in South Carolina," was read the third time; and, being amended,

On the question, Shall this bill pass as amended?

It was determined in the affirmative, { Yeas . . . . . 26,  
  { Nays . . . . . 6.

The yeas and nays being required by one-fifth of the Senators present,



Those who voted in the affirmative, are,

Messrs. Adams, Anderson, Baldwin, Bayard, Breckinridge, Brown, Cocke, Dayton, Ellery, Franklin, Giles, Hillhouse, Howland, Jackson, Logan, Macclay, Mitchill, Moore, Pickering, Smith, of Maryland, Smith, of Ohio, Stone, Sumter, Tracy, Worthington, and Wright.

Those who voted in the negative, are,

Messrs. Bradley, Condit, Olcott, Plumer, Smith, of New York, and Smith, of Vermont.

So it was

*Resolved*, That this bill do pass as amended.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendment.

A motion was made that a committee be appointed, to join with such committee as the House of Representatives may appoint on their part, to consider and report what business is necessary to be done by Congress in the present session; and the motion was read.

*Ordered*, That this motion lie for consideration.

Mr. Franklin presented the memorial of the mayor, and members of the corporation, of the city of New Orleans, stating their situation, their wants, and their claims, for which they solicit the authentic sanction of Congress, in order that the municipality of that city may have at their disposal the means of improving it and its establishments; and the memorial was read.

*Ordered*, That it lie for consideration.

The Senate adjourned to half past 10 o'clock to-morrow morning.

#### THURSDAY, FEBRUARY 7, 1805.

Agreeably to notice given yesterday, Mr. Anderson asked and obtained leave to bring in a bill further providing for the government of the territory of Louisiana; and the bill was read.

*Ordered*, That it pass to the second reading.

The Senate resumed the second reading of the bill, entitled "An act to continue in force 'An act declaring the consent of Congress to an act of the state of Maryland passed the 28th of December, 1793, for the appointment of a health officer.'"

*Ordered*, That it be referred to Messrs. Smith, of Maryland, Wright, and Mitchill, to consider and report thereon.

Mr. Smith, of Maryland, from the committee, reported the above mentioned bill without amendment.

The bill, entitled "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction," was read the second time.

*Ordered*, That it be referred to Messrs. Dayton, Smith, of Maryland, and Giles, to consider and report thereon.

The bill for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana, was read the third time, and amended.

*Resolved*, That this bill do pass, that it be engrossed, and that the title thereof be "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana."

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act to authorize the erection of a bridge across a mill pond and marsh in the navy yard belonging to the United States in the town of Brooklyn, in the state of New York," in which bill they desire the concurrence of the Senate. They have passed the bill, sent from the Senate, entitled "An act concerning the mode of surveying the public lands of the United States." And he withdrew.

The Senate resumed the second reading of the bill, entitled "An act making appropriations for the support of the military establishment of the United States, for the year 1805;" and having amended the bill,

*Ordered*, That it pass to the third reading as amended.

The Senate resumed the second reading of the bill, entitled "An act to regulate the clearance of armed merchant vessels," and having further amended the bill, the consideration thereof was postponed.

The Secretary notified the House of Representatives that the Senate are now going

to their public chamber to proceed further on the trial of Samuel Chase, one of the associate justices of the supreme court.

After proceedings as the high court of impeachments, as is stated on the record,  
The Senate adjourned to half past 10 o'clock to-morrow morning.

FRIDAY, FEBRUARY 8, 1805.

Mr. Moore reported, from the committee, that they this day examined and found duly enrolled the bill, entitled "An act concerning the mode of surveying the public lands of the United States."

The bill yesterday brought up from the House of Representatives for concurrence, entitled "An act to authorize the erection of a bridge across a mill pond and marsh in the navy yard belonging to the United States, in the town of Brooklyn, in the state of New York," was read.

*Ordered*, That it pass to the second reading.

The bill, entitled "An act making appropriations for the support of the military establishment of the United States for the year 1805," was read the third time.

*Resolved*, That this bill do pass with an amendment.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendment.

The bill further providing for the government of the territory of Louisiana was read the second time.

*Ordered*, That it be referred to Messrs. Anderson, Giles, and Breckinridge, to consider and report thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act to appropriate a sum of money for the purpose of building gun boats," in which they desire the concurrence of the Senate. They concur in the amendment of the Senate to the bill, entitled "An act for carrying into more complete effect the tenth article of the treaty of friendship, limits, and navigation, with Spain." The Speaker having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President. And he withdrew.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States, for his approbation.

The bill first mentioned in the message was read.

*Ordered*, That it pass to the second reading.

The Senate took into consideration the motion made on the 6th instant, that a joint committee be appointed to consider and report what business is necessary to be done by Congress in the present session; and,

On the question to agree to this motion,

It was determined in the negative.

Mr. Breckinridge submitted the following resolution, which was read, and ordered to lie for consideration:

*Resolved*, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the legislatures of the several states as an amendment to the constitution of the United States, which, when ratified by three-fourths of the said legislatures, shall be valid as part of the said constitution, viz:

"The judicial power of the United States shall not be construed to extend to controversies between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states; and between a state or the citizens thereof and foreign states, citizens, or subjects."

The bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina," was read the third time.

And the question on the final passage of this bill was determined in the negative.

*Ordered*, That the Secretary acquaint the House of Representatives that the Senate do not concur in this bill.

*Ordered*, That the Secretary notify the House of Representatives that the Senate are now going to their public chamber to proceed further on the trial of Samuel Chase, one of the associate justices of the supreme court.

After proceedings as the high court of impeachments, as is stated on the record,

The Senate adjourned to half past 10 o'clock to-morrow morning.



SATURDAY, FEBRUARY 9, 1805.

Mr. Jackson, from the committee to whom was referred, on the 16th of January last, the bill, entitled "An act further to amend an act, entitled 'An act regulating the grants of land, and providing for the disposal of the public lands of the United States south of the state of Tennessee,'" reported the bill without amendment.

Mr. Moore reported, from the committee, that they this day laid before the President of the United States, for his approbation, the enrolled bill, entitled "An act concerning the mode of surveying the public lands of the United States."

The bill, entitled "An act to authorize the erection of a bridge across a mill pond and marsh in the navy yard belonging to the United States, in the town of Brooklyn, in the state of New York," was read the second time.

*Ordered*, That it be referred to Messrs. Mitchill, White, and Wright, to consider and report thereon.

The bill, entitled "An act to appropriate a sum of money for the purpose of building gun-boats," was read the second time.

*Ordered*, That it be referred to Messrs. Smith, of Maryland, Dayton, and Mitchill, to consider and report thereon.

*Ordered*, That the Secretary notify the House of Representatives that the Senate are now going to their public chamber to proceed further on the trial of Samuel Chase, one of the associate justices of the supreme court.

After proceedings as the high court of impeachments, as is stated on the record, The Senate adjourned to half past 10 o'clock on Monday morning.

MONDAY, FEBRUARY 11, 1805.

The Senate took into consideration the amendments reported, on the 29th of January last, to the bill, entitled "An act making appropriations for the support of government, for the year 1805," which were in part adopted, and the further consideration of the bill was postponed.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives concur in the amendment of the Senate to the bill, entitled "An act making appropriations for the support of the military establishment of the United States, for the year 1805." And he withdrew.

Mr. Moore reported, from the committee, that they this day had examined and found duly enrolled the bill, entitled "An act making appropriations for the support of the military establishment of the United States, for the year 1805;" also, the bill, entitled "An act for carrying into more complete effect the tenth article of the treaty of friendship, limits, and navigation, with Spain."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The Speaker of the House of Representatives having signed two enrolled bills, I am directed to bring them to the Senate for the signature of their President. And he withdrew.

The President signed the two enrolled bills last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States, for his approbation.

A message from the President of the United States, by Mr. Coles, his Secretary:

*Mr. President*: I am directed to notify the Senate that the President of the United States did, this day, approve and sign "An act concerning the mode of surveying the public lands of the United States."

*Ordered*, That the Secretary acquaint the House of Representatives therewith.

*Ordered*, That the Secretary notify the House of Representatives that the Senate are now going to their public chamber to proceed further on the trial of Samuel Chase, one of the associate justices of the supreme court.

After proceedings as the high court of impeachments, as is stated on the record, The Senate adjourned to half past 10 o'clock to-morrow morning.

TUESDAY, FEBRUARY 12, 1805.

On motion,

*Resolved*, That the Senate will be ready to receive the House of Representatives in the Senate chamber, on Wednesday the 13th instant, February, at noon, for the purpose of being present at the opening and counting the votes for President and Vice President of the United States. That one person be appointed a teller on the part of the Senate, to make a list of the votes for President and Vice President of the United

States, as they shall be declared, and that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, which shall be entered on the journals, and, if it shall appear that a choice hath been made agreeably to the constitution, such entry on the journals shall be deemed a sufficient declaration thereof.

*Ordered*, That the Secretary do carry this resolution to the House of Representatives.

Mr. Smith, of Maryland, from the committee to whom was referred, on the 9th instant, the bill, entitled "An act to appropriate a sum of money for the purpose of building gun-boats," reported the bill without amendment.

Mr. Mitchill, from the committee to whom was referred, on the 9th instant, the bill, entitled "An act to authorize the erection of a bridge across a mill pond and marsh in the navy yard belonging to the United States, in the town of Brooklyn, in the state of New York," reported the bill without amendment.

Mr. Smith, of Ohio, from the committee to whom the petitions of Ethan Stone, Jeremiah Hunt and others, were referred, on the 4th instant, reported a bill to authorize the President of the United States to sell a certain lot of land; and the bill was read.

*Ordered*, That it pass to the second reading.

The Senate resumed the second reading of the bill further providing for the government of the territory of Orleans; and

*Ordered*, That this bill pass to the third reading.

The Senate resumed the consideration of the bill, entitled "An act making appropriations for the support of government for the year 1805;" and having agreed to sundry amendments,

*Ordered*, That this bill pass to the third reading as amended.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act to establish the districts of Genessee, of Buffalo Creek, and of Miami, and to alter the port of entry of the district of Erie," in which bill they desire the concurrence of the Senate. They have passed a resolution that a committee be appointed on the part of the House of Representatives, to join such committee as may be appointed on the part of the Senate, to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons who shall be elected of their election, and to regulate the time, place, and manner, of administering the oath of office to the President. And he withdrew.

The bill brought up for concurrence was read.

*Ordered*, That it pass to the second reading.

The Senate considered the resolution mentioned in the message; and

*Resolved*, That they do not agree thereto

*Ordered*, That the Secretary notify the House of Representatives accordingly.

*Ordered*, That the Secretary inform the House of Representatives that the Senate are now going to their public chamber to proceed further on the trial of Samuel Chase, one of the associate justices of the supreme court.

After proceedings as the high court of impeachments, as is stated on the record,

The Senate adjourned to half past ten o'clock to-morrow morning.

### WEDNESDAY, FEBRUARY 13, 1805.

Mr. Moore reported, from the committee, that they this day laid before the President of the United States, for his approbation, the enrolled bill, entitled "An act for carrying into more complete effect the tenth article of the treaty of friendship, limits, and navigation, with Spain;" also, the enrolled bill, entitled "An act making appropriations for the support of the military establishment of the United States for the year 1805."

The following written message was received from the President of the United States, by Mr. Coles, his Secretary:

*To the Senate and House of Representatives of the United States*:

In the message to Congress at the opening of the present session, I informed them that treaties had been entered into with the Delaware and Piankeshaw Indians, for the purchase of their right to certain lands on the Ohio. I have since received another, entered into with the Sacs and Foxes, for a portion of country on both sides of the river Mississippi. These treaties having been advised and consented to by the Senate, have accordingly been ratified, but, as they involve conditions which require legislative provision, they are now submitted to both branches for consideration.

TH. JEFFERSON.

February 13, 1805.

The message was read.



*Ordered*, That the message, together with the treaties therein referred to, lie for consideration.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a resolution that they will attend in the chamber of the Senate this day at noon, for the purpose of being present at the opening and counting the votes for President and Vice President of the United States, and have appointed tellers to act jointly with the teller who may be appointed on the part of the Senate to make a list of the votes for President and Vice President of the United States as they shall be declared. The House of Representatives agree to the amendment of the Senate to the bill, entitled "An act authorizing the Postmaster General to make a new contract for carrying the mail from Fayetteville, in North Carolina, to Charleston, in South Carolina." And he withdrew.

The resolution mentioned in the message was read; and

On motion,

*Ordered*, That Mr. Smith, of Maryland, be a teller of the votes given for the President and Vice President of the United States on the part of the Senate.

*Ordered*, That the Secretary acquaint the House of Representatives therewith.

On motion, it was

*Resolved*, That when the two Houses of Congress proceed to open and count the ballots for President and Vice President, the gallery of the Senate chamber be open.

Mr. Moore reported, from the committee, that they this day examined and found duly enrolled the bill, entitled "An act authorizing the Postmaster General to make a new contract for carrying the mail from Fayetteville, in North Carolina, to Charleston, in South Carolina."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have come to a resolution that a committee be appointed on their part, to join such committee as may be appointed on the part of the Senate, to inquire and report whether any, and, if any, what, further measures ought to be adopted for the accommodation of the President of the United States for the term commencing on the 4th day of March next, and have appointed a committee on their part. The Speaker having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President. And he withdrew.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States for his approbation.

Mr. Anderson, from the committee to whom was referred, on the 8th instant, the bill further providing for the government of the district of Louisiana, reported it with amendments; which were read.

*Ordered*, That they lie for consideration.

On motion,

*Ordered*, That the Secretary notify the House of Representatives that the Senate are now ready to meet them in the Senate chamber, for the purpose of being present at the opening and counting the votes for President and Vice President of the United States.

The House of Representatives accordingly attended in the Senate chamber, and the certificates of the electors of seventeen states were, by the President of the Senate, opened and delivered to the tellers appointed for the purpose, who, having examined and ascertained the number of votes, presented a list thereof to the President of the Senate, which was read, as follows:

STATES.								Thomas Jefferson.	Charles Cotesworth Pinckney.	George Clinton.	Rufus King.
								Presidents.		V. Pres'ts.	
New Hampshire	.	.	.	.	.	.	.	7		7	
Massachusetts	.	.	.	.	.	.	.	19		19	
Rhode Island	.	.	.	.	.	.	.	4	9	4	9
Connecticut	.	.	.	.	.	.	.	6		6	
Vermont	.	.	.	.	.	.	.	19		19	
New York	.	.	.	.	.	.	.	8		8	
New Jersey	.	.	.	.	.	.	.	20		20	
Pennsylvania	.	.	.	.	.	.	.		3		3
Delaware	.	.	.	.	.	.	.	9	2	9	2
Maryland	.	.	.	.	.	.	.	24		24	
Virginia	.	.	.	.	.	.	.	14		14	
North Carolina	.	.	.	.	.	.	.	10		10	
South Carolina	.	.	.	.	.	.	.	6		6	
Georgia	.	.	.	.	.	.	.	5		5	
Tennessee	.	.	.	.	.	.	.	8		8	
Kentucky	.	.	.	.	.	.	.	3		3	
Ohio	.	.	.	.	.	.	.				
								162	14	162	14

The whole number of the votes of the electors amounting to 176, of which 89 is a majority. Whereupon,

The President of the Senate declared THOMAS JEFFERSON elected President of the United States for four years, commencing with the 4th day of March next, and GEORGE CLINTON, Vice President of the United States for four years, commencing with the 4th day of March next.

On which the House of Representatives repaired to their own chamber.

On motion,

*Ordered*, That the Secretary notify the House of Representatives that the Senate will be in their public chamber at half past two o'clock, to proceed further on the trial of the impeachment of Samuel Chase, one of the associate justices of the supreme court.

On motion that a committee be appointed to direct the forms in which the records of the pending impeachment shall be made up from time to time; and

It was agreed that this motion should lie for consideration.

After proceedings as the high court of impeachments, as is stated on the record,

The Senate adjourned to half past ten o'clock to-morrow morning.

**THURSDAY, FEBRUARY 14, 1805.**

The Senate took into consideration the resolution of the House of Representatives for the appointment of a joint committee to inquire and report whether any and what



further measures ought to be adopted for the accommodation of the President of the United States, for the term commencing on the 4th day of March next; and, having agreed thereto,

*Ordered*, That Messrs. Baldwin and Franklin be the committee on their part.

*Ordered*, That the Secretary acquaint the House of Representatives therewith.

On motion,

*Ordered*, That the Secretary of the Senate notify the House of Representatives that the Senate will be in their public chamber on this day at twelve o'clock, to proceed further on the trial of the impeachment of Samuel Chase, one of the associate justices of the supreme court, and that, after this day, the Senate will be in their public chamber at ten o'clock in the forenoon, for the purpose last recited.

The Senate took into consideration the amendments reported to the bill further providing for the government of the district of Louisiana; and

*Ordered*, That the further consideration thereof be postponed.

The Senate took into consideration a motion made on the 8th instant, for an alteration of the rule precluding debate while sitting as a court of impeachments, which was amended, as follows:

*Resolved*, That, in the course of the trial, upon a question being referred to the decision of the Senate, in case it be required by a majority of the members present, the Senate shall return to their chamber; whereupon, the question to be decided shall be stated by the President, and each member shall be at liberty to state the reasons of his opinion, but shall not be allowed to speak more than once. After the members have delivered their opinions, the Senate shall return to their judicial chamber, where the question shall be determined by ayes and noes.

And, on the question to agree to this resolution,

It passed in the negative, { Yeas . . . . . 9,  
  { Nays . . . . . 22.

The yeas and nays being required by one fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Adams, Bayard, Giles, Hillhouse, Olcott, Pickering, Plumer, Smith, of New York, and Tracy.

Those who voted in the negative, are,

Messrs. Anderson, Bradley, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Gaillard, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Smith, of Maryland, Smith, of Ohio, Smith, of Vermont, Stone, Sumter, Worthington, and Wright.

On motion,

*Resolved*, That the President of the United States be requested to cause to be transmitted to George Clinton, Esq. of New York, Vice President elect of the United States, notification of his election to that office; and that the President of the Senate do make out and sign a certificate in the words following, viz. :

"Be it known, that the Senate and House of Representatives of the United States of America, being convened at the city of Washington, on the second Wednesday in February, in the year of our Lord 1805, the undersigned Vice President of the United States and President of the Senate, did, in presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the electors for a President and Vice President of the United States; whereupon, it appeared that Thomas Jefferson, of Virginia, had a majority of the votes of the electors as President, and George Clinton, of New York, had a majority of the votes of the electors as Vice President; by all which it appears that Thomas Jefferson, of Virginia, has been duly elected President, and George Clinton, of New York, has been duly elected Vice President of the United States, agreeably to the constitution.

"In witness whereof, I have hereunto set my hand and seal, this 14th day of February, 1805."

And that the President of the Senate do cause the certificate aforesaid to be laid before the President of the United States, with this resolution.

The bill, entitled "An act making appropriations for the support of government for the year 1805," was read the third time and further amended.

*Resolved*, That this bill do pass as amended.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendments.

The motion made on the 13th, respecting the forms of the record of the pending impeachment, was resumed and adopted, and Messrs. Bradley, Breckinridge, and Giles, were appointed.

After the proceedings as the high court of impeachments, as is stated on the record, The Senate adjourned to 10 o'clock to-morrow morning.

FRIDAY, FEBRUARY 15, 1805.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The President of the United States hath notified the House of Representatives that, on the 14th instant, he approved and signed "An act making appropriations for the support of the military establishment of the United States for the year 1805;" "An act for carrying into more complete effect the tenth article of the treaty of friendship, limits, and navigation, with Spain;" and "An act authorizing the Postmaster General to make a new contract for carrying the mail from Fayetteville, in North Carolina, to Charleston, in South Carolina." The House of Representatives have passed a resolution for the appointment of a joint committee to wait on the President of the United States and to notify to him his re-election, and have appointed a committee on their part. And he withdrew.

The resolution last mentioned was read.

*Ordered,* That it lie for consideration.

The bill further providing for the government of the territory of Orleans was read the third time; and

A motion was made to strike out the first section of the bill, for the purpose of inserting an amendment; and a division was called for.

The further consideration of the bill was postponed.

The proceedings as the high court of impeachments are stated on the record.

The Senate adjourned to 10 o'clock to-morrow morning.

SATURDAY, FEBRUARY 16, 1805.

The Senate took into consideration the resolution of the House of Representatives for the appointment of a joint committee to wait on the President of the United States to notify to him his re-election; and, having agreed thereto,

*Ordered,* That Messrs. Baldwin, and Smith, of Maryland, be the committee on their part.

*Ordered,* That the Secretary notify the House of Representatives accordingly.

A motion was made,

"That a call of the Senate take place every morning at the hour to which the Senate is adjourned, and that absent members be not permitted to take their seats until a satisfactory excuse be made, or the opinion of the Senate be had thereon."

*Ordered,* That this motion lie for consideration.

\* A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives concur in the amendments of the Senate to the bill, entitled "An act supplementary to the act, entitled 'An act to regulate the collection of duties on imports and tonnage.'" They have passed a bill, entitled "An act making an appropriation for the payment of witnesses summoned on the part of the United States, in support of the impeachment of Samuel Chase," in which bill they desire the concurrence of the Senate. And he withdrew.

The Senate took into consideration the amendments yesterday proposed to the bill further providing for the government of the territory of Orleans, which was amended, as follows:

Strike out of the first section of the bill all that follows the enacting clause, and insert: "That, for the purpose of enabling the people of Louisiana to enjoy the right of self government, the President of the United States is hereby authorized to cause the territory ceded by the Republic of France to the United States, by the treaty concluded at Paris on the 30th of April, 1803, to be laid off on or before the — day of — into convenient election districts, having reference to population and location, and not exceeding the number of — districts; and to appoint the most convenient time thereafter, as well as place, within each of said districts, for holding an election; and to appoint in each district a proper person or persons, inhabitants of the same, respectively to preside at and conduct the election which is hereinafter described; of all which he shall cause due notice to be given throughout each district. And on the day and at the place thus appointed, the people of every district who are hereinafter described as qualified voters, shall meet and elect for their districts, respectively, one person, to meet in convention for the purpose of forming a constitution of government for the people of said territory. And the President of the United States is hereby authorized to appoint time and place for the meeting of said convention, of which he shall cause due notice to be given before the choice of the members thereof."

Strike out the residue of said bill, and insert in lieu thereof the following:

"Sec. 2. *And be it further enacted,* That a majority of the members chosen pursuant to this act, to meet in convention as aforesaid, shall constitute a quorum to do business:





The Senate resumed the third reading of the bill further providing for the government of the territory of Orleans, and it was amended.

*Resolved*, That this bill do pass, that it be engrossed, and that the title thereof be "An act further providing for the government of the territory of Orleans."

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill.

The bill, entitled "An act to establish the districts of Genessee, of Buffalo Creek, and of Miami, and to alter the port of entry of the district of Erie," was read the second time.

*Ordered*, That it be referred to Messrs. Tracy, Adams, and Smith, of Maryland, to consider and report thereon.

The bill authorizing the President of the United States to sell a certain lot of land was read the second time.

*Ordered*, That it be referred to Messrs. Brown, Smith, of Ohio, and Wright, to consider and report thereon.

The motion made on the 16th instant, for a call of the house, was withdrawn.

Mr. Brown gave notice that he should to-morrow ask leave to bring in a bill to amend the act, entitled "An act further to amend the act, entitled 'An act to lay and collect a direct tax within the United States.'"

The proceedings as the high court of impeachments are stated on the record.

On motion,

The Senate adjourned to 10 o'clock to-morrow morning.

## TUESDAY, FEBRUARY 19, 1805.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a resolution for the appointment of a joint committee to consider and report what business is necessary to be done by Congress during the present session; in which they desire the concurrence of the Senate. They have passed a bill, entitled "An act to authorize the Secretary of War to issue military land warrants, and for other purposes," in which they desire the concurrence of the Senate. And he withdrew.

The bill and resolution last mentioned were read.

*Ordered*, That the bill pass to the second reading.

Mr. Moore reported, from the committee, that they this day examined and found duly enrolled the bill, entitled "An act supplementary to the act, entitled 'An act supplementary to the act, entitled 'An act to regulate the collection of duties on imports and tonnage.'"

Mr. Baldwin, from the joint committee appointed for the purpose, reported that, pursuant to the resolutions of the 18th instant, the joint committee of the Senate and House of Representatives have this day waited on the President and notified to him his re-election to the office of President of the United States.

Agreeably to notice given yesterday, Mr. Brown asked and obtained leave to bring in a bill to amend the act, entitled "An act further to amend the act, entitled 'An act to lay and collect a direct tax within the United States;'" and the bill was read.

*Ordered*, That it pass to the second reading.

Mr. Franklin, from the committee to whom was recommitted, on the 22d of January last, the bill giving the assent of Congress to an act of the legislature of North Carolina, passed on the 19th of December, 1804, entitled "An act for the relief of foreign seamen brought into the port of Wilmington," reported the bill without amendment.

Mr. Brown, from the committee to whom was yesterday referred the bill authorizing the President of the United States to sell a certain lot of land, reported it with an amendment.

Mr. Smith, of New York, gave notice that he should to-morrow ask leave to bring in a bill freeing from postage all letters and packets to and from Aaron Burr.

The Senate resumed the second reading of the bill, entitled "An act to regulate the clearance of armed merchant vessels;" and

On motion,

To insert the following amendment, in lieu of the second section of the original bill struck out:

"That all unlawful acts committed on the high seas by any person or persons on board such armed vessels, against the citizens or subjects of any government in amity with the United States, or against the property of such government, or any of its citizens or subjects, shall be punished in like manner as if the same was committed within the exclusive jurisdiction of the United States."



It passed in the negative, { Yeas . . . . . 16,  
   { Nays . . . . . 18.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Baldwin, Breckinridge, Brown, Cocke, Condit, Franklin, Gaillard, Giles, Howland, Jackson, Logan, Maclay, Moore, Smith, of New York, Sumter, and Worthington.

Those who voted in the negative, are,

Messrs. Adams, Anderson, Bayard, Bradley, Dayton, Ellery, Hillhouse, Mitchill, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of Ohio, Smith, of Vermont, Stone, Tracy, White, and Wright.

And the bill being further amended,

*Ordered*, That it pass to the third reading, as amended.

The proceedings as the high court of impeachments are stated on the record.

On motion,

The Senate adjourned to 10 o'clock to-morrow morning.

### WEDNESDAY, FEBRUARY 20, 1805.

The following written message was received from the President of the United States, by Mr. Coles, his Secretary:

*To the Senate and House of Representatives of the United States:*

I communicate, for the information of Congress, a letter of September 18th, from Commodore Preble, giving a detailed account of the transactions of the vessels under his command, from July the 9th, to the 10th of September last past.

The energy and judgment displayed by this excellent officer, through the whole course of the service lately confided to him, and the zeal and valor of his officers and men, in the several enterprises executed by them, cannot fail to give high satisfaction to Congress and their country, of whom they have deserved well.

TH. JEFFERSON.

*February 20, 1805.*

The message and papers therein referred to were read.

*Ordered*, That they lie for consideration.

The bill to amend the act, entitled "An act further to amend the act, entitled 'An act to lay and collect a direct tax within the United States,'" was read the second time.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill now pass to the third reading.

The bill to authorize the Secretary of War to issue military land warrants, and for other purposes, was read the second time.

*Ordered*, That it be referred to Messrs. Worthington, Franklin, and Tracy, to consider and report thereon.

Mr. Baldwin, from the committee to whom was referred, on the 18th instant, the bill, entitled "An act making an appropriation for the payment of witnesses summoned on the part of the United States in support of the impeachment of Samuel Chase, and for other purposes," reported the bill with an amendment.

The Senate took into consideration the resolution of the House of Representatives for the appointment of a joint committee, to consider and report what business is necessary to be done by Congress during the present session; and having agreed thereto,

*Ordered*, That Messrs. Giles, Jackson, and Bradley, be the committee on their part.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

Agreeably to notice given yesterday, Mr. Smith, of New York, asked and obtained leave to bring in a bill freeing from postage all letters and packets to and from Aaron Burr; and the bill was read.

*Ordered*, That it pass to the second reading.

The Senate took into consideration the amendments reported to the bill, entitled "An act to amend the charter of Georgetown;" which were in part adopted.

*Ordered*, That the bill pass to the third reading as amended.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President. And he withdrew.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States, for his approbation.

The Senate adjourned to 10 o'clock to-morrow morning.

Mr. Worthington, from the committee to whom was referred, on the 20th instant,



the bill to authorize the Secretary of War to issue military land warrants, and for other purposes, reported amendments thereto.

The proceedings of the high court of impeachments are stated on the record.

On motion,

The Senate adjourned to 10 o'clock on Monday morning.

#### MONDAY, FEBRUARY 25, 1805.

Mr. Baldwin, from the joint committee appointed on the 14th instant, respecting the further accommodations of the President of the United States, made report; which was read.

*Ordered*, That it lie for consideration.

Mr. Adams, from the committee to whom was re-committed, on the 25th of January last, the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States," reported the bill amended.

Agreeably to notice given on Saturday last, Mr. Smith, of Ohio, asked and obtained leave to bring in a bill making provision for the widow and orphan children of Thomas Flinn; and the bill was read.

*Ordered*, That it pass to the second reading.

Mr. Jackson laid on the table a motion expressive of the high sense Congress entertain of the gallant and meritorious services of Commodore Edward Preble, and the officers, seamen, and marines, under his command: and the motion was read; and it was agreed that it be referred to a select committee.

The President laid before the Senate the credentials of the Honorable James A. Bayard, appointed a Senator by the legislature of the state of Delaware, for the term of six years, commencing on the fourth day of March next; which were read.

The proceedings of the high court of impeachments are stated on the record.

On motion,

The Senate adjourned to 10 o'clock to-morrow morning.

#### TUESDAY, FEBRUARY 26, 1805.

Mr. Giles, from the joint committee appointed for the purpose, reported a statement of the business under the consideration of Congress; and the report was read.

*Ordered*, That it lie for consideration.

The Senate proceeded to ballot for the committee agreed to yesterday, on the motion respecting Commodore Preble; and Messrs. Jackson, Bradley, and Bayard, were appointed.

The President laid before the Senate the report of the Secretary for the Department of Treasury, on the emoluments of the officers of the customs, for the year 1804; which was read.

*Ordered*, That it lie for consideration.

Mr. Adams, from the committee to whom was referred, on the 18th instant, the bill, entitled "An act to establish the districts of Genessee, of Buffaloe Creek, and of Miami; and to alter the port of entry of the district of Erie," reported the bill without amendment.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives concur in the bill, entitled "An act, to amend the act, entitled 'An act further to amend the act, entitled 'An act to lay and collect a direct tax within the United States;' also, to the amendments of the Senate to the bill, entitled 'An act making appropriations for the support of government during the year 1805.'" The President of the United States hath notified the House of Representatives, that he, on the 22d instant, approved and signed an act supplementary to the act, entitled "An act to regulate the collection of duties on imports and tonnage." And he withdrew.

The proceedings of the high court of impeachments are stated on the record.

The Executive business having been considered,

The Senate adjourned to 10 o'clock to-morrow morning.

#### WEDNESDAY, FEBRUARY 27, 1805.

Mr. Dayton, from the committee to whom was referred, on the 7th instant, the bill, entitled "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction," reported the bill with amendments.

It was determined in the negative.

**The Senate adjourned to 10 o'clock to-morrow morning.**



THURSDAY, FEBRUARY 28, 1805.

The Vice President being indisposed, the Senate proceeded to the choice of a President pro tempore, as the constitution provides, and the Honorable Joseph Anderson was elected.

*Ordered*, That the Secretary wait on the President of the United States, and acquaint him that, the Vice President being absent, the Senate have elected the Honorable Joseph Anderson President of the Senate pro tempore.

*Ordered*, That the Secretary make a like communication to the House of Representatives.

The following written messages were received from the President of the United States, by Mr. Coles, his Secretary:

*To the Senate and House of Representatives of the United States:*

I now lay before Congress a statement of the militia of the United States, according to the returns last received from the several states. It will be perceived that some of these are not of recent dates, and that from the states of Maryland, Delaware, and Tennessee, no returns are stated. As far as appears from our records, none were ever rendered from either of these states.

TH. JEFFERSON.

February 28, 1805.

*To the Senate and House of Representatives of the United States:*

I now render to Congress the account of the fund established by the act of May 1st, 1802, for defraying the contingent charges of government. No occasion having arisen for making use of any part of the balance of 18,560 dollars, unexpended on the 31st day of December, 1803, when the last account was rendered by message, that balance has been carried to the credit of the surplus fund.

TH. JEFFERSON.

February 28, 1805.

The messages and documents therein referred to were severally read.

*Ordered*, That they lie for consideration.

The Senate resumed the second reading of the bill, entitled "An act for the relief of the widow and orphan children of Robert Elliott;" and,

*Ordered*, That this bill pass to the third reading.

Mr. Moore, from the committee, reported that they this day examined and found duly enrolled the bill, entitled "An act to amend the act, entitled 'An act further to amend the act, entitled 'An act to lay and collect a direct tax within the United States;'" the bill, entitled "An act to continue in force 'An act declaring the consent of Congress to an act of the state of Maryland, passed the 28th day of December, 1793, for the appointment of a health officer;" and the bill, entitled "An act making appropriations for the support of government for the year 1805."

Mr. Wright, from the committee to whom the subject was referred, on the second instant, reported a bill for the relief of George Scoone, a wounded corporal in the Revolutionary war.

On motion,

The bill was twice read by unanimous consent.

On motion,

That the Secretary of State be directed to lay before the Senate, at the next session of Congress, such laws of Great Britain as impose any higher or greater duties on the exportation of certain goods to the United States, than are charged on exportation to other nations; and,

It was agreed that this motion lie for consideration.

On motion,

That the Secretary of the Treasury be directed to lay before the Senate, at the next meeting of Congress, a statement shewing the value of Irish linens, &c. imported into the United States; and,

It was agreed that this motion should lie for consideration.

The bill authorizing the discharge of John York from his imprisonment was resumed.

*Ordered*, That it pass to the third reading.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives concur in the amendments of the Senate to the bill, entitled "An act to amend the act, entitled 'An act for the government and regulation of seamen in the merchants' service.'" They have passed the bill, sent from the Senate for concurrence, entitled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana."

na," with amendments, in which they desire the concurrence of the Senate. The Speaker having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President. And he withdrew.

The President signed the three bills last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States for his approbation.

The amendments to the bill, entitled "An act for ascertaining and adjusting the titles and claims to lands within the territory of Orleans and the district of Louisiana," were considered and agreed to.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

The bill to regulate fees and proceedings in the courts of the United States, in certain cases, and for other purposes, was resumed.

On motion,

*Resolved*, That the further consideration thereof be postponed until the first Monday in December next.

The bill, entitled "An act to amend the charter of Georgetown," was read the third time.

*Resolved*, That this bill do pass with amendments.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendments.

The bill, entitled "An act to authorize the Secretary of War to issue military land warrants, and for other purposes," was read the third time.

*Resolved*, That this bill do pass with amendment.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendment.

The bill, entitled "An act further to amend an act, entitled 'An act regulating grants of land, and providing for the disposal of the lands of the United States south of the state of Tennessee,'" was read the third time.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence of the Senate in this bill.

The bill, entitled "An act to authorize the erection of a bridge across a mill pond and marsh in the navy yard belonging to the United States in the town of Brooklyn, in the state of New York," was read the third time.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence.

The bill, entitled "An act to appropriate a sum of money for the purpose of building gun boats," was read the third time.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary notify the concurrence to the House of Representatives.

Mr. Smith, of Ohio, from the committee to whom was yesterday referred the bill making provision for the widow and orphan children of Thomas Flinn, reported it without amendment.

The bill freeing from postage all letters and packets to and from Aaron Burr was read the third time.

On motion,

To postpone the further consideration thereof until the first Monday in December next,

It passed in the negative, { Yeas . . . . . 12,  
Nays . . . . . 18.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Baldwin, Ellery, Franklin, Hillhouse, Howland, Logan, Maclay, Olcott, Pickering, Plumer, Stone, and Sumter.

Those who voted in the negative, are,

Messrs. Adams, Anderson, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Gaillard, Jackson, Mitchill, Moore, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Worthington, and Wright.

On the question, Shall this bill pass?

It was determined in the affirmative, { Yeas . . . . . 18,  
Nays . . . . . 13.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,



Messrs. Adams, Anderson, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Gaillard, Jackson, Mitchill, Moore, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, White, and Wright.

Those who voted in the negative, are,

Messrs. Baldwin, Ellery, Franklin, Hillhouse, Howland, Logan, Maclay, Olcott, Pickering, Plumer, Stone, Sumter, and Worthington.

So it was

*Resolved*, That this bill do pass, that it be engrossed, and that the title thereof be "An act freeing from postage all letters and packets to and from Aaron Burr."

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill.

The amendment reported on the 20th instant to the bill, entitled "An act making an appropriation for the payment of witnesses summoned on the part of the United States in support of the impeachment of Samuel Chase," was considered.

*Ordered*, That this bill pass to the third reading.

The amendments reported on the 13th instant to the bill further providing for the government of the district of Louisiana, were considered and disagreed to; and

*Ordered*, That this bill pass to the third reading.

The second reading of the bill authorizing the President of the United States to sell a certain lot of land was resumed.

*Ordered*, That this bill pass to the third reading as amended.

The bill giving the assent of Congress to an act of the Legislature of North Carolina, passed the 19th of December, 1804, entitled "An act for the relief of foreign seamen brought into the port of Wilmington," was resumed and amended.

*Ordered*, That it pass to the third reading as amended.

On motion for an alteration of one of the rules in cases of impeachments,

It was agreed that this motion lie for consideration.

On motion,

The Senate adjourned to 10 o'clock to-morrow morning.

### FRIDAY, MARCH 1, 1805.

Mr. Moore reported, from the committee, that they had examined and found duly enrolled the bill, entitled "An act to appropriate a sum of money for the purpose of building gun boats;" the bill, entitled "An act to authorize the erection of a bridge across a mill pond and marsh in the navy yard belonging to the United States in the town of Brooklyn, in the state of New York;" the bill, entitled "An act to amend the act, entitled 'An act for the government and regulation of seamen in the merchants' service;'" and the bill, entitled "An act further to amend the act, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the state of Tennessee.'"

Mr. Smith, of Maryland, gave notice that he should this day ask leave to bring in a bill supplementary to the act, entitled "An act making an appropriation for carrying into effect the convention between the United States of America and his Britannic majesty.

A message from the house of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives concur in the bill, sent from the Senate, entitled "An act further providing for the government of the territory of Orleans," with an amendment, in which they desire the concurrence of the Senate. They agree to the amendments of the Senate to the bill, entitled "An act to amend the charter of Georgetown;" also, to their amendments to the bill, entitled "An act to authorize the Secretary of War to issue military land warrants, and for other purposes." They have passed a bill, entitled "An act further to alter and establish certain post roads, and for other purposes;" also, a bill, entitled "An act for the relief of Richard Taylor;" in which bills they desire the concurrence of the Senate. The Speaker having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President. And he withdrew.

The President signed the four enrolled bills last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States for his approbation.

The bills last brought up for concurrence were read.

*Ordered*, That they severally pass to the second reading.

Mr. Moore reported, from the committee, that they yesterday laid before the President of the United States for his approbation the enrolled bill, entitled "An act making appropriations for the support of government for the year 1805;" the enrolled

bill, entitled "An act to continue in force 'An act declaring the consent of Congress to an act of the state of Maryland, passed the 28th day of December, 1793, for the appointment of a health officer;" and the enrolled bill, entitled "An act to regulate the clearance of armed merchant vessels."

The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act for ascertaining and adjusting the titles and claims to the land within the territory of Orleans and the district of Louisiana;" and

*Resolved*, That they do agree thereto.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

Agreeably to notice given, Mr. Smith, of Maryland, asked and obtained leave to bring in a bill supplementary to the act, entitled "An act making an appropriation for carrying into effect the convention between the United States of America and his Britannic majesty;" which was read.

On motion,

It was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the second time.

*Ordered*, That it pass to the third reading.

The bill further providing for the government of the district of Louisiana was read the third time, and further amended; and

*Resolved*, That this bill pass, that it be engrossed, and that the title thereof be "An act further providing for the government of the district of Louisiana."

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill.

The bill authorizing the sale of a certain lot of land was read the third time.

*Resolved*, That this bill do pass, that it be engrossed, and that the title thereof be "An act authorizing the sale of a certain lot of land."

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill.

The bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the state of North Carolina, passed on the 19th day of December, 1804, entitled 'An act for the relief of foreign seamen brought into the port of Wilmington,'" was read the third time; and on the question to agree to the final passage thereof,

It passed in the negative.

The bill for the relief of George Scoone, a wounded corporal in the Revolutionary war, was considered and amended.

*Ordered*, That it pass to the third reading as amended.

The bill making provision for the widow and orphan children of Thomas Flinn was considered.

*Ordered*, That it pass to the third reading.

The bill, entitled "An act authorizing the discharge of John York from his imprisonment," was read the third time.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary notify the House of Representatives of the concurrence.

The bill, entitled "An act for the relief of the widow and orphan children of Robert Elliott," was read the third time.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary notify the House of Representatives of the concurrence.

The bill, entitled "An act to establish the districts of Genessee, of Buffaloe Creek, and of Miami, and to alter the port of entry of the district of Erie," was considered.

*Ordered*, That it pass to the third reading.

The proceedings as the high court of impeachments are stated on the record.

After the consideration of the Executive business,

The Senate adjourned to 10 o'clock to-morrow morning.

### SATURDAY, MARCH 2, 1805.

Mr. Moore reported, from the committee, that they this day laid before the President of the United States, for his approbation, the enrolled bills, entitled "An act further to amend an act, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the state of Tennessee,'" "An act to amend the act, entitled 'An act for the government and regulation of seamen in the merchants' service,'" "An act to appropriate a sum of money for the purpose of building gun boats;" and, "An act to authorize the erection of a bridge across a mill-pond and marsh in the navy yard belonging to the United States, in the town of Brooklyn, in the state of New York." And that they have examined and found duly en-



rolled, the bills, entitled "An act for the relief of the widow and orphan children of Robert Elliott;" "An act to authorize the Secretary of War to issue military land warrants, and for other purposes;" "An act further providing for the government of the territory of Orleans;" "An act authorizing the discharge of John York from his imprisonment;" and "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives concur in the bill sent from the Senate, entitled "An act further providing for the government of the district of Louisiana." They have passed a bill, entitled "An act supplementary to the act, entitled 'An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes;'" in which they desire the concurrence of the Senate.

They have postponed to the next session the bill sent from the Senate, entitled "An act authorizing the sale of a certain lot of land."

The Speaker having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President. And he withdrew.

The President signed the five enrolled bills last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States, for his approbation.

The bill last brought up for concurrence was read.

On motion,

It was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the second time.

*Ordered,* That it be referred to Messrs. Adams, Breckinridge, and Brown, to consider and report thereon.

Mr. Jackson, from the committee appointed on the motion expressive of the sense Congress entertain of the gallant conduct of Commodore Preble, his officers and seamen, reported amendments, which were adopted, and sundry resolutions were entered into accordingly.

*Ordered,* That the Secretary desire the concurrence of the House of Representatives in these resolutions.

A message from the President of the United States, by Mr. Coles, his Secretary:

*Mr. President:* I am directed to notify the Senate that the President of the United States did this day approve and sign "An act to amend the act, entitled 'An act further to amend the act, entitled 'An act to lay and collect a direct tax within the United States.'"

*Ordered,* That the Secretary notify the House of Representatives accordingly.

The bill, entitled "An act further to alter and establish certain post roads, and for other purposes," was read the second time.

*Ordered,* That it pass to the third reading.

The bill, entitled "An act for the relief of Richard Taylor," was read the second time.

*Ordered,* That this bill pass to the third reading.

The bill supplementary to the act, entitled "An act making an appropriation for carrying into effect the convention between the United States and his Britannic majesty," was read the third time.

*Resolved,* That this bill do pass, that it be engrossed, and that the title thereof be "An act supplementary to the act, entitled 'An act making an appropriation for carrying into effect the convention between the United States and his Britannic majesty.'"

*Ordered,* That the Secretary desire the concurrence of the House of Representatives in this bill.

The bill making provision for the widow and orphan children of Thomas Flinn was read the third time.

*Resolved,* That this bill do pass, that it be engrossed, and that the title thereof be "An act making provision for the widow and orphan children of Thomas Flinn."

*Ordered,* That the Secretary desire the concurrence of the House of Representatives in this bill.

The bill, entitled "An act to establish the districts of Genessee, of Buffalo creek, and of Miami, and to alter the port of entry of the district of Erie," was read the third time.

*Resolved,* That this bill do pass.

*Ordered,* That the Secretary notify the concurrence to the House of Representatives.

The bill, entitled "An act making an appropriation for the payment of witnesses summoned on the part of the United States, in support of the impeachment of Samuel Chase," was read the third time as amended.

*Resolved,* That this bill do pass with amendments.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendments.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, sent from the Senate, entitled "An act to amend an act, entitled 'An act for imposing more specific duties on the importation of certain articles; and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes.'" They have passed a bill, entitled "An act to provide for the accommodation of the President of the United States;" in which they desire the concurrence of the Senate.

The President of the United States hath notified the House of Representatives that he hath this day approved and signed "An act to authorize the erection of a bridge across a mill-pond and marsh, in the navy yard belonging to the United States, in the town of Brooklyn, in the state of New York;" "An act to amend the act, entitled 'An act for the government and regulation of seamen in the merchants' service,'" "An act further to amend an act, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the state of Tennessee,'" "An act to appropriate a sum of money for the purpose of building gun-boats;" and, on the first instant, "An act to continue in force 'An act declaring the consent of Congress to an act of the state of Maryland, passed the 28th day of December, 1793, for the appointment of a health officer,'" and "An act making appropriations for the support of government for the year 1805." And he withdrew.

The bill last brought up for concurrence was read.

On motion,

It was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the second and third times.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary notify the House of Representatives of the concurrence.

The bill, entitled "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction," was resumed, and sundry amendments were proposed.

*Ordered*, That this bill pass to the third reading.

On motion,

The committee to whom was referred the bill to provide for the government of the territory of Columbia, and to repeal the acts of Congress therein mentioned, was discharged, and the bill postponed until the first Monday in December next.

Mr. Adams, from the committee to whom was referred, this day, the bill, entitled "An act supplementary to the act, entitled 'An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes,'" reported an amendment, which was adopted; and

*Ordered*, That the bill pass to the third reading as amended.

Mr. Moore reported, from the committee, that they this day had examined and found duly enrolled the bill, entitled "An act to amend the charter of Georgetown."

The Vice President took an affectionate leave of the Senate and retired.

Whereupon,

The Senate proceeded to the choice of a President, pro tempore, as the constitution provides; and the Honorable Joseph Anderson was elected.

*Ordered*, That the Secretary wait on the President of the United States, and acquaint him that, the Vice President being absent, the Senate have elected the Honorable Joseph Anderson President of the Senate pro tempore.

*Ordered*, That the Secretary notify the same to the House of Representatives.

On motion,

*Resolved, unanimously*, That the thanks of the Senate be presented to Aaron Burr, in testimony of the impartiality, dignity, and ability, with which he has presided over their deliberations; and of their entire approbation of his conduct in the discharge of the arduous and important duties assigned him as President of the Senate.

*Ordered*, That Messrs. Smith, of Maryland, and White, be a committee to communicate to him this resolution.

The bill, entitled "An act further to alter and establish certain post roads, and for other purposes," was, by unanimous consent, read the third time, and amended.

*Resolved*, That this bill do pass as amended.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendments.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives concur in the amendments of the Senate to the bill, entitled "An act to regulate the clearance of armed merchant vessels," with an amendment, in which they desire the concurrence of the Senate.



The Speaker having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President. And he withdrew.

The President signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States for his approbation.

The Senate took into consideration the amendment of the House of Representatives to their amendment to the bill, entitled "An act to regulate the clearance of armed merchant vessels;" and,

*Resolved*, That they concur therein.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

The bill, entitled "An act for the relief of Richard Taylor," was read the third time, and passed.

*Ordered*, That the Secretary notify the concurrence to the House of Representatives.

The bill, entitled "An act supplementary to the act, entitled 'An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes,'" was, by unanimous consent, read the third time as amended.

*Resolved*, That this bill pass as amended.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendment.

Mr. Moore reported, from the committee, that they this day examined and found duly enrolled the bill, entitled "An act to provide for the accommodation of the President of the United States."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed the bill, entitled "An act in addition to 'An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war,'" with an amendment, in which they desire the concurrence of the Senate. They agree to the amendments of the Senate to the bill, entitled "An act further to alter and establish certain post roads, and for other purposes;" they concur in the bill sent from the Senate, entitled "An act making an appropriation for carrying into effect the convention between the United States of America and his Britannic majesty." And he withdrew.

The Senate took into consideration the amendments of the House of Representatives to the bill first mentioned in the message; and,

*Resolved*, That they do not concur therein.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives insist on their amendment, disagreed to by the Senate, to the bill, entitled "An act in addition to an act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war;" they ask a conference thereon, and have appointed managers on their part. And he withdrew.

Mr. Moore reported, from the committee, that they had examined and found duly enrolled the bill, entitled "An act for the relief of Richard Taylor;" the bill, entitled "An act supplementary to the act, entitled 'An act making an appropriation for carrying into effect the convention between the United States of America and his Britannic majesty,'" the bill, entitled "An act to amend an act, entitled 'An act for imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes,'" and the bill, entitled "An act further providing for the government of the district of Louisiana;" and that they this day presented, for the approbation of the President of the United States, the enrolled bill, entitled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana;" the enrolled bill, entitled "An act authorizing the discharge of John York from his imprisonment;" the enrolled bill, entitled "An act further providing for the government of the territory of Orleans;" and the enrolled bill, entitled "An act for the relief of the widow and orphan children of Robert Elliott."

A message from the President of the United States, by Mr. Coles, his Secretary:

*Mr. President*: The President of the United States did this day approve and sign the bill, entitled "An act further providing for the government of the territory of Orleans;" and the bill, entitled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana."

*Ordered*, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President. And he withdrew.

The President signed the enrolled bills last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States.

The Senate proceeded to consider the message of the House of Representatives, asking a conference on the bill, entitled "An act in addition to 'An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war,'" and having agreed to the said conference,

*Ordered,* That Messrs. Bradley, and Smith, of Maryland, be the managers at the same on their part.

*Ordered,* That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The President of the United States did this day approve and sign the bill, entitled "An act authorizing the discharge of John York from his imprisonment;" the bill, entitled "An act to authorize the Secretary of War to issue military land warrants, and for other purposes;" and the bill, entitled "An act for the relief of the widow and orphan children of Robert Elliott." And he withdrew.

The Senate took into consideration the motion made on the 28th February last, on the subject; and,

*Resolved,* That the Secretary of State be directed to lay before this House, at the next meeting of Congress, such laws of Great Britain as impose any higher or greater duties on the exportation of goods, wares, and merchandise, to the United States, than are imposed on similar goods, wares, and merchandise, when exported to the nations of Europe; and, also, to report the amount in sterling money, of the exports to the United States, from Great Britain and Ireland, for the years 1802, 1803, and 1804, on which such duties are charged.

The Senate resumed the consideration of the motion made on the 28th February, that a statement be exhibited of the amount of certain imported articles; and,

*Resolved,* That the Secretary of the Treasury be directed to report to this House, at the next meeting of Congress, a statement, shewing the value (agreeably to the prime cost) in sterling money, of Irish linens, and all other manufactures of linen, of sail duck, nails, hats, looking-glasses, plated and glass wares, ribbons, silks of all kinds, printed linen and cotton, and the quantity of British salt and rum, imported into the United States from Great Britain and her dependencies, during the years 1802, 1803, and 1804; and, also, the value of linens imported into the United States from all other foreign nations.

Mr. Bradley presented the petition of Ira Allen, late of the state of Vermont, but now of Pennsylvania, stating that in 1795 he purchased in France a quantity of ordnance and arms, designed for the supply of the state of Vermont; that the same were taken by a British cruiser on their passage and condemned; and praying redress under the convention with the British government; and the petition was read.

*Ordered,* That it lie on the table.

After the consideration of the Executive business,

The Senate adjourned to 10 o'clock to-morrow morning.

### SUNDAY, MARCH 3, 1805.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed the bill sent from the Senate, entitled "An act for the relief of George Scoone and Alexander Cameron;" also, the bill, entitled "An act making provision for the widow and orphan children of Thomas Flinn." They have passed a bill, entitled "An act making appropriations for carrying into effect certain Indian treaties, and for other purposes of Indian trade and intercourse," in which they ask the concurrence of the Senate. They disagree to the amendments of the Senate to the bill, entitled "An act making an appropriation for the payment of witnesses summoned on the part of the United States, in support of the impeachment of Samuel Chase." And he withdrew.

Mr. Moore reported, from the committee, that they had this day examined and found duly enrolled the bill, entitled "An act further to alter and establish certain post roads, and for other purposes;" the bill, entitled "An act to regulate the clearance of armed merchant vessels;" the bill, entitled "An act supplementary to the act, enti-



tled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes;" the bill, entitled "An act for the relief of George Scoone and Alexander Cameron;" the bill, entitled "An act making provision for the widow and orphan children of Thomas Flinn." He also reported, from the same committee, that they yesterday laid before the President of the United States, for his approbation, the enrolled bills, entitled "An act to amend an act, entitled 'An act for imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes,'" "An act to provide for the accommodation of the President of the United States," "An act supplementary to the act, entitled 'An act making an appropriation for carrying into effect the convention between the United States of America and his Britannic majesty,'" "An act for the relief of Richard Taylor," and "An act further providing for the government of the district of Louisiana."

The bill, entitled "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction," was read the third time as amended.

On motion,

To strike out the first section of the bill, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whensoever any treason, felony, misprision of treason, or of felony, misdemeanor, breach of the peace, or of the revenue laws of the United States, shall hereafter be committed, within the jurisdiction of the United States, and the case shall be cognizable by, or under their authority, if the person committing the same shall be on board any foreign armed vessel, in any port or harbor of the United States, or in the waters within their jurisdiction, it shall be the duty of any judge or justice of any court of the United States, upon satisfactory proof thereof to him made, to issue his warrant, specifying the nature of the offence, and directed to a marshal, commanding him to take the body of the offender and bring him before the said judge or justice, to be dealt with according to law. And if the said marshal shall deem the ordinary *posse comitatus* insufficient to insure the execution of the said warrant, he shall apply to the said judge or justice, who shall immediately issue his order directed to any officer having command of militia, or any officer having command of regular troops, or of armed vessels of the United States, in the vicinity, requiring him to aid the said marshal with all the force under his command, or such part as may be necessary in executing the warrant aforesaid. And the said marshal, conforming himself in all things to the instructions which he shall receive from the President of the United States, or from any other person authorized by the President, shall first demand the surrender of the person charged with the offence; and, if delivery be not made, or if the marshal be obstructed from making the demand, he shall use all the means in his power, by force and arms, to arrest the offender, and all others who are with him giving him aid and countenance in evading the arrest, and he shall convey the said offender and all others arrested as aforesaid, and deliver them to the civil authority, to be dealt with according to law. If death ensue to the person ordered to be arrested, or to any of those giving him aid and countenance, it shall be justified, but, if to the marshal, or to any of those supporting him in the discharge of his duty, the persons engaged in resisting the civil authority shall be punished as in cases of felonious homicide."

It passed in the negative, { Yeas . . . . . 2,  
Nays . . . . . 25.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Logan and Wright.

Those who voted in the negative, are,

Messrs. Adams, Anderson, Bradley, Brown, Cocke, Dayton, Ellery, Franklin, Gailard, Giles, Hillhouse, Howland, Jackson, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of New York, Smith, of Vermont, Stone, Sumter, and White.

And on the question, Shall this bill pass?

It was determined in the affirmative, { Yeas . . . . . 25,  
Nays . . . . . 3.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Anderson, Baldwin, Bradley, Brown, Cocke, Condit, Dayton, Ellery, Giles, Hillhouse, Howland, Jackson, Maclay, Mitchill, Moore, Olcott, Pickering, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Stone, Sumter, White, and Wright.

Those who voted in the negative, are,  
Messrs. Adams, Logan, and Plumer.

So it was,

*Resolved*, That this bill pass as amended.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendments.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President. The House of Representatives have passed a bill, entitled "An act for the relief of Robert Patton and others;" in which they desire the concurrence of the Senate. They have passed the bill sent from the Senate, entitled "An act to extend jurisdiction, in certain cases, to the state and territorial courts," with amendments; in which they ask the concurrence of the Senate. And he withdrew.

The President signed the enrolled bills last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States.

A message from the President of the United States, by Mr. Coles, his Secretary:

*Mr. President*: The President of the United States did this day approve and sign the following bills, which originated in the Senate: "An act to amend an act, entitled 'An act for imposing more specific duties on the importation of certain articles, and, also, for laying and collecting light money on foreign ships or vessels, and for other purposes;'" "An act supplementary to the act, entitled 'An act making an appropriation for carrying into effect the convention between the United States of America and his Britannic majesty;" and "An act further providing for the government of the district of Louisiana."

*Ordered*, That the Secretary notify the House of Representatives accordingly.

Mr. Moore reported, from the committee, that they had this day laid before the President of the United States, for his approbation, the bills, entitled "An act for the relief of George Scoone and Alexander Cameron;" and "An act making provision for the widow and orphan children of Thomas Flinn."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The President of the United States did this day approve and sign the following bills, which originated in the House of Representatives: "An act for the relief of Richard Taylor;" "An act to provide for the accommodation of the President of the United States;" and "An act to amend the charter of Georgetown." The House of Representatives have passed a bill, entitled "An act to revive and make permanent the act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses, passed the third day of January, one thousand seven hundred and ninety-eight, and in addition to the same;" in which they desire the concurrence of the Senate. They agree to the "Resolution expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen, and marines, of his squadron," with an amendment; in which they ask the concurrence of the Senate. And he withdrew.

Mr. Moore asked and obtained leave of absence for the remainder of the session.

Mr. Bradley, from the managers appointed on the part of the Senate to confer on the bill, entitled "An act in addition to an act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war," reported that they could come to no agreement with the managers appointed on the part of the House of Representatives.

Whereupon,

*Resolved*, That the Senate do adhere to their disagreement to the amendments insisted on by the House of Representatives.

*Ordered*, That the Secretary acquaint the House of Representatives therewith.

Mr. Smith, of Maryland, from the committee appointed for that purpose, reported that they had waited on the Vice President, agreeably to the resolution of yesterday: to which he made the following reply:

*To the Senate of the United States*:

GENTLEMEN: Next to the satisfaction derived from the consciousness of having discharged my duty, is that which arises from the favorable opinion of those who have been the constant witnesses of my official conduct; and the value of this flattering mark of their esteem is greatly enhanced by the promptitude and unanimity with which it is offered.



I pray you to accept my respectful acknowledgments, and the assurance of my inviolable attachment to the interests and dignity of the Senate.

A. BURR.

March 3, 1805.

On motion,

The Senate proceeded to the choice of a committee, on their part, for enrolled bills, in place of Mr. Moore absent, and Mr. Adams was chosen, and, on request, excused; upon which Mr. Smith, of Ohio, was appointed.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

The Senate took into consideration the amendments disagreed to by the House of Representatives on the bill, entitled "An act making an appropriation for the payment of witnesses summoned on the part of the United States in support of the impeachment of Samuel Chase;" and

*Resolved*, That they do insist on their said amendments, ask a conference thereon, and that Messrs. Giles and Bradley be the managers on their part.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

A message from the President of the United States, by Mr. Coles, his Secretary:

*Mr. President*: The President of the United States did this day approve and sign the following bills: "An act for the relief of George Scoone and Alexander Cameron;" and "An act making provision for the widow and orphan children of Thomas Flinn."

*Ordered*, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act to provide for a light-house on Watch Hill Point, in the state of Rhode Island;" in which they ask the concurrence of the Senate. And he withdrew.

The bill, entitled "An act making appropriations for carrying into effect certain Indian treaties, and for other purposes of Indian trade and intercourse," was read three several times by unanimous consent.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence.

The bill, entitled "An act to provide for a light-house on Watch Hill Point, in the state of Rhode Island," was read the first and second times by unanimous consent; and

On the question, Shall this bill be read the third time by unanimous consent?

It was objected to.

So the bill was lost.

*Ordered*, That the Secretary acquaint the House of Representatives that the Senate do not concur in this bill.

The bill, entitled "An act to revive and make permanent the 'Act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses,' passed the third day of January, 1798, and in addition to the same;" was read the first and second times by unanimous consent; and

On the question, Shall this bill be read the third time by unanimous consent?

It was objected to.

So the bill was lost.

*Ordered*, That the Secretary acquaint the House of Representatives that the Senate do not concur in this bill.

The bill, entitled "An act for the relief of Robert Patton and others," was read three several times by unanimous consent.

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence.

The Senate proceeded to consider the amendments of the House of Representatives to the "Resolution expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen, and marines, of his squadron;" and having agreed thereto, with an amendment to their amendments,

*Ordered*, That the Secretary ask the concurrence of the House of Representatives thereto.

The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act to extend jurisdiction in certain cases to the state and territorial courts;" and having agreed thereto,

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives concur in the amendment of the Senate to the bill, entitled "An act for the more effectual preservation of peace in the ports and harbors of the United States and in the waters under their jurisdiction." They concur in the amendments of the Senate to the resolutions expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen, and marines, of his squadron." They agree to the conference requested by the Senate on the bill, entitled "An act making an appropriation for the payment of witnesses summoned on the part of the United States in support of the impeachment of Samuel Chase," and have appointed managers on their part.

They recede from their amendments disagreed to by the Senate to the bill, entitled "An act in addition to 'An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war.'" And he withdrew.

Mr. Smith, of Ohio, reported, from the committee, that they had examined and found duly enrolled the bills, entitled "An act in addition to 'An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war,'" "An act to extend jurisdiction in certain cases to the territorial courts;" and the "Resolutions expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen, and marines, of his squadron."

Mr. Giles, from the managers appointed on the part of the Senate, to confer on the bill, entitled "An act making an appropriation for the payment of witnesses summoned on the part of the United States, in support of the impeachment of Samuel Chase," reported.

Whereupon,

*Resolved,* That the Senate do adhere to their amendments disagreed to by the House of Representatives.

*Ordered,* That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives adhere to their disagreement to the amendments of the Senate to the bill, entitled "An act making an appropriation for the payment of witnesses summoned on the part of the United States in support of the impeachment of Samuel Chase." The Speaker having signed two enrolled bills, and an enrolled resolution, I am directed to bring them to the Senate for the signature of their President. And he withdrew.

The President signed the enrolled bills and enrolled resolution last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States.

On motion,

*Resolved,* That Messrs. Adams, and Smith, of Maryland, be a committee on the part of the Senate, with such as the House of Representatives may join, to wait on the President of the United States, and notify him that, unless he may have any further communications to make to the two Houses of Congress, they are ready to adjourn.

*Ordered,* That the Secretary acquaint the House of Representatives therewith, and desire the appointment of a committee on their part.

Mr. Smith, of Ohio, reported from the committee, that they had examined and found duly enrolled the bills, entitled "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction;" "An act to establish the districts of Genessee, of Buffalo Creek, and of Miami, and to alter the port of entry of the district of Erie;" "An act making appropriations for carrying into effect certain Indian treaties, and for other purposes of Indian trade and intercourse;" and "An act for the relief of Robert Patton and others."

On motion,

*Resolved,* That the Secretary of the Senate be authorized to receive three hundred dollars, in addition to his usual compensation, out of the contingent fund of this house, and to pay, out of the same fund, the sum of two hundred dollars to each of the clerks in his office, and two hundred dollars to the Sergeant-at-Arms, and Doorkeeper, each, in addition to their usual compensation, for their extra services during the present session, in the judicial, as well as legislative functions of Congress; and also, the further sum of fifty dollars, each, to Thomas Harvey and Michael Tilghman, their assistants.

On motion,

*Resolved,* That the Secretary of the Senate be authorized to pay, out of the contingent fund, a sum not exceeding twelve hundred dollars, for the payment of the



officers employed in the high court of impeachments, and for other charges, authorized by the President of the Senate.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President.* The House of Representatives agree to the resolution of the Senate for the appointment of a joint committee to wait upon the President of the United States and notify him of the intended adjournment of Congress, and have appointed a committee on their part. The Speaker having signed several enrolled bills, I am directed to bring them to the Senate, for the signature of their President. And he withdrew

The President signed the four enrolled bills last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States.

Mr. Smith, of Ohio, reported, from the committee, that they had this day laid before the President of the United States, for his approbation, the following bills, viz: "An act to regulate the clearance of armed merchant vessels;" "An act to authorize the Secretary of War to issue military land warrants, and for other purposes;" "An act to extend jurisdiction in certain cases to the territorial courts;" "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction;" "An act to establish the districts of Genessee, of Buffalo Creek, and of Miami, and to alter the port of entry of the district of Erie;" "An act in addition to 'An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war;" "An act further to alter and establish certain post roads, and for other purposes;" "An act supplementary to the act, entitled 'An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes;" "An act making appropriations for carrying into effect certain Indian treaties, and for other purposes of Indian trade and intercourse;" "An act for the relief of Robert Patton and others;" and "An enrolled resolution expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen, and marines, of his squadron."

A message from the President of the United States, by Mr. Coles, his Secretary:

*Mr. President.* The President of the United States hath this day approved and signed the bill, entitled "An act in addition to 'An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war;" the bill, entitled "An act to extend jurisdiction in certain cases to the territorial courts;" and an enrolled "Resolution expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen, and marines, of his squadron."

*Ordered,* That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President.* The President of the United States has this day approved and signed the following bills, viz: "An act making appropriations for carrying into effect certain Indian treaties, and for other purposes of Indian trade and intercourse;" "An act for the relief of Robert Patton and others;" "An act to establish the districts of Genessee, of Buffalo Creek, and of Miami, and to alter the port of entry of the district of Erie;" "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction;" "An act to regulate the clearance of armed merchant vessels;" "An act to authorize the Secretary of war to issue military land warrants, and for other purposes;" "An act further to alter and establish certain post roads, and for other purposes;" and "An act supplementary to the act, entitled 'An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes.'" And he withdrew.

Mr. Adams, from the committee, reported, that they had waited upon the President of the United States, who informed them that he had no further communications to make to the two houses of Congress.

*Ordered,* That the Secretary inform the House of Representatives that the Senate, having finished the business before them, are about to adjourn.

Whereupon,

The Senate adjourned.

## APPENDIX.

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### *A List of Acts passed at the Second Session of the Eighth Congress.*

- An act making a further appropriation for carrying into effect the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America.
- An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object during the year one thousand eight hundred and five.
- An act concerning drawbacks on goods, wares, and merchandise.
- An act for the disposal of certain copies of the laws of the United States.
- An act declaring Cambridge, in the state of Massachusetts, to be a port of delivery.
- An act to divide the Indiana territory into two separate governments.
- An act authorizing the corporation of Georgetown to make a dam or causeway from Mason's Island to the western shore of the river Potomac.
- An act for the relief of Charlotte Hazen, widow and relict of the late Brigadier General Moses Hazen.
- An act making appropriations for the support of the navy of the United States during the year one thousand eight hundred and five.
- An act making an appropriation for completing the south wing of the Capitol at the City of Washington, and for other purposes.
- An act for carrying into more complete effect the tenth article of the treaty of friendship, limits, and navigation, with Spain.
- An act to provide for completing the valuation of lands and dwelling houses and the enumeration of slaves in South Carolina, and for other purposes.
- An act supplementary to the act, entitled "An act to regulate the collection of duties on imports and tonnage."
- An act for the relief of John Steele.
- An act for the relief of Alexander Murray.
- An act authorizing the Postmaster General to make a new contract for carrying the mail from Fayetteville, in North Carolina, to Charleston, in South Carolina.
- An act concerning the mode of surveying the public lands of the United States.
- An act making appropriations for the support of the military establishment of the United States for the year one thousand eight hundred and five.
- An act making appropriations for the support of government for the year one thousand eight hundred and five.
- An act to continue in force "An act declaring the consent of Congress to an act of the state of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the appointment of a health officer."
- An act to amend the act, entitled "An act further to amend the act, entitled 'An act to lay and collect a direct tax within the United States.'"
- An act to appropriate a sum of money for the purpose of building gun-boats.
- An act to authorize the erection of a bridge across a mill pond and marsh in the navy yard belonging to the United States, in the town of Brooklyn, in the state of New York.
- An act further to amend an act, entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the state of Tennessee."
- An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana.
- An act to amend the act, entitled "An act for the government and regulation of seamen in the merchants' service."



- An act for the relief of the widow and orphan children of Robert Elliot.
- An act authorizing the discharge of John York from his imprisonment.
- An act to authorize the Secretary of War to issue military land warrants, and for other purposes.
- An act to amend the charter of Georgetown.
- An act further providing for the government of the territory of Orleans.
- An act to amend an act, entitled "An act for imposing more specific duties on the importation of certain articles, and, also, for levying and collecting light money on foreign ships or vessels, and for other purposes."
- An act to provide for the accommodation of the President of the United States.
- An act to establish the districts of Genessee, of Buffaloe Creek, and of Miami, and to alter the port of entry of the district of Erie.
- An act to regulate the clearance of armed merchant vessels.
- An act further to alter and establish certain post roads, and for other purposes.
- An act for the relief of Richard Taylor.
- An act supplementary to the act, entitled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes."
- An act making provision for the widow and orphan children of Thomas Flinn.
- An act for the relief of George Scoone and Alexander Cameron.
- An act making appropriations for carrying into effect certain Indian treaties, and for other purposes of Indian trade and intercourse.
- An act for the more effectual preservation of peace in the ports and harbors of the United States and in the waters under their jurisdiction.
- An act to extend jurisdiction in certain cases to the territorial courts.
- An act for the relief of Robert Patton and others.
- An act in addition to "An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war."
- An act further providing for the government of the district of Louisiana.
- An act supplementary to the act, entitled "An act making an appropriation for carrying into effect the convention between the United States of America and his Britannic majesty."
- Resolution expressive of the sense of Congress of the gallant conduct of Captain Stephen Decatur, the officers and crew of the United States' ketch Intrepid, in attacking, in the harbor of Tripoli, and destroying, a Tripolitan frigate of forty-four guns.
- Resolution expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen, and marines, of his squadron.

*Senators of the United States whose seats will be vacated:*

MARCH, 1807.	MARCH, 1809.	MARCH, 1811.
Mr. Bradley, Breckinridge, Gaillard Jackson, Logan, Plumer, Smith, of New York, Stone, Tracy, Worthington, Wright.	Mr. Adams, Anderson, Condit, Hillhouse, Howland, Maclay, Mitchill, Moore, Smith, of Maryland, Smith, of Ohio, Smith, of Vermont, White.	Mr. Baldwin, Bayard, Fenner, Giles, Gilman, Kitchell, Pickering, Smith, of Tennessee, Stokes, Sumpter, Thruston.



**JOURNAL**

**OF**

**THE SENATE**

**OF**

**THE UNITED STATES OF AMERICA,**

**IN CASES OF**

**IMPEACHMENTS.**

---

**FEBRUARY 20, 1805.**

Printed conformably to a resolution of the Senate.

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**WASHINGTON :**

**PRINTED BY GALES & SEATON.**

**1821.**

IN SENATE OF THE UNITED STATES,

FEBRUARY 20, 1805.

*Resolved*, That the proceedings of the Senate, while sitting for the purpose of trying impeachments, shall be published, in the same manner in which the legislative proceedings are now published; and this resolution shall have relation to all proceedings in trials of impeachments which have heretofore taken place.

*Attest,*

SAMUEL A. OTIS, *Secretary*.



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# RECORD

## OF THE PROCEEDINGS OF THE HIGH COURT OF IMPEACHMENT, ON THE TRIAL OF WILLIAM BLOUNT;

CONSISTING OF THE SENATE OF THE UNITED STATES, AS IS PROVIDED BY THE CONSTITUTION,  
AND IN PURSUANCE OF A RESOLUTION OF SENATE.

---

MONDAY, DECEMBER 17, 1798.

**T**HE oath prescribed was administered to the President of the Senate by the Secretary, and by the President to the following members of the Senate:

Messrs. Anderson, Bingham, Bloodworth, Chipman, Foster, Goodhue, Green, Gunn, Howard, Langdon, Laurance, Livermore, Marshall, Martin, Paine, Read, Ross, Smith, Tracy, and Watson.

The process issued on the first day of March last, against William Blount, together with the return made thereon, were read, as follows:

UNITED STATES OF AMERICA, ss.

The Senate of the United States of America to William Blount, late a Senator of the United States for the state of Tennessee, Greeting:

Whereas the House of Representatives of the United States of America did, on the seventh day of July last past, in their own name, and in the name of all the people of the United States, impeach you, the said William Blount, of high crimes and misdemeanors before the Senate of the United States: And whereas the said House of Representatives did, on the seventh day of February, of the present year, exhibit to the Senate their articles of impeachment against you, the said William Blount, charging you with the high crimes and misdemeanors therein specially set forth, (a true copy of which articles of impeachment is annexed to this writ,) and did demand that you, the said William Blount, should be put to answer the said crimes and misdemeanors; and that such proceedings, examinations, trials, and judgments, might be thereupon had as are agreeable to law and justice. You, the said William Blount, are therefore summoned to be and appear before the Senate of the United States of America, at their chamber, in the city of Philadelphia, in the state of Pennsylvania, on the third Monday of December next, at the hour of eleven of that day, then and there to answer the said articles of impeachment, and then and there to abide by, obey, and perform, such orders and judgments as the Senate of the United States shall make in the premises, according to the constitution and laws of the said United States. And hereof you are in no wise to fail.

Witness, the Honorable THOMAS JEFFERSON, Esquire, Vice President of the United States of America, and President of the Senate thereof, at the city of Philadelphia, the first day of March, in the year of our Lord one thousand seven hundred and ninety-eight, and of the Independence of the United States the twenty-second.

SAMUEL A. OTIS, *Secretary.*

*ARTICLES exhibited by the House of Representatives of the United States, in the name of themselves, and of all the people of the United States, against WILLIAM BLOUNT, in maintenance of their impeachment against him for high crimes and misdemeanors:*

## ARTICLE I.

That, whereas the United States, in the months of February, March, April, May, and June, in the year of our Lord one thousand seven hundred and ninety-seven, and for many years then past, were at peace with his Catholic Majesty the king of Spain: And, whereas, during the months aforesaid, his said Catholic Majesty and the king of Great Britain were at war with each other, yet the said William Blount, on or about the months aforesaid, then being a Senator of the United States, and well knowing the premises, but disregarding the duties and obligations of his high station, and designing and intending to disturb the peace and tranquillity of the United States, and to violate and infringe the neutrality thereof, did conspire, and contrive to create, promote, and set on foot, within the jurisdiction and territory of the United States, and to conduct, and carry on, from thence, a military hostile expedition against the territories and dominions of his said Catholic Majesty in the Floridas and Louisiana, or a part thereof, for the purpose of wresting the same from his Catholic Majesty, and of conquering the same for the king of Great Britain, with whom his said Catholic Majesty was then at war, as aforesaid, contrary to the duty of his trust and station as a Senator of the United States, in violation of the obligations of neutrality, and against the laws of the United States and the peace and interests thereof:

## ARTICLE II.

That, whereas, on the twenty-seventh day of October, in the year of our Lord one thousand seven hundred and ninety-five, a treaty of friendship, limits, and navigation, had been made and concluded between the United States and his Catholic Majesty, by the fifth article whereof it is stipulated and agreed, "That the two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas: and the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary; so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of his Catholic Majesty or his Indians, in any manner whatever:" Yet the said William Blount, on or about the months of February, March, April, May, and June, in the year of our Lord one thousand seven hundred and ninety-seven, then being a Senator of the United States, and well knowing the premises, and that the United States were then at peace with his said Catholic Majesty, and that his Catholic Majesty was at war with the king of Great Britain, but disregarding the duties of his high station, and the stipulations of the said treaty, and the obligations of neutrality, did conspire and contrive to excite the Creek and Cherokee nations of Indians, then inhabiting within the territorial boundary of the United States, to commence hostilities against the subjects and possessions of his Catholic Majesty in the Floridas and Louisiana, for the purpose of reducing the same to the dominion of the king of Great Britain, with whom his Catholic Majesty was then at war, as aforesaid: contrary to the duty of his trust and station as a Senator of the United States, in violation of the said treaty of friendship, limits, and navigation, and of the obligations of neutrality, and against the laws of the United States, and the peace and interests thereof.

## ARTICLE III.

That, whereas, by the ordinances and acts of Congress for regulating trade and intercourse with the Indian tribes, and for preserving peace on the frontiers, it has been made lawful for the President of the United States, in order to secure the continuance of the friendship of the said Indian tribes, to appoint such persons, from time to time, as temporary agents to reside among the Indians, as he shall think fit: And whereas, in pursuance of the said authority, the President of the United States, on or about the eighth day of September, in the year of our Lord one thousand seven hundred and ninety-six, did appoint Benjamin Hawkins to be principal temporary agent for Indian affairs within the Indian nations south of the river Ohio, and north of the territorial line of the United States: And whereas the said Benjamin Hawkins accepted the said



appointment, and, on the twenty-first day of April, in the year of our Lord one thousand seven hundred and ninety seven, and for a long time before and afterwards, did exercise the functions, powers, and duties, attached to the same, yet the said William Blount, on or about the said twenty-first day of April, in the year of our Lord one thousand seven hundred and ninety-seven, then being a Senator of the United States, and well knowing the premises, did, in the prosecution of his criminal designs and of his conspiracies aforesaid, and the more effectually to accomplish his intention of exciting the Creek and Cherokee nations of Indians to commence hostilities against the subjects of his Catholic Majesty, further conspire and contrive to alienate and divert the confidence of the said Indian tribes or nations from the said Benjamin Hawkins, the principal temporary agent aforesaid, and to diminish, impair, and destroy, the influence of the said Benjamin Hawkins with the said Indian tribes, and their friendly intercourse and understanding with him, contrary to the duty of his trust and station as a Senator of the United States, and against the ordinances and laws of the United States, and the peace and interests thereof.

## ARTICLE IV.

That, whereas, by the ordinances and acts of Congress aforesaid, it is made lawful for the President of the United States to establish trading houses at such places and posts on the western and southern frontiers, or in the Indian country, as he shall judge most convenient, for the purpose of carrying on a liberal trade with the several Indian nations within the limits of the United States, and to appoint an agent at each trading house established as aforesaid, with such clerks and assistants as may be necessary for the execution of the said acts: And whereas, by a treaty, made and concluded on the second day of July, in the year of our Lord one thousand seven hundred and ninety-one, between the United States and the Cherokee nation of Indians, inhabiting within the limits of the United States, it is stipulated and agreed that "the United States will send such and so many persons to reside in said nation, as they may judge proper, not exceeding four, who shall qualify themselves to act as interpreters." And whereas the President of the United States, as well in pursuance of the authorities in this article mentioned, as of the acts of Congress referred to in the third article, did appoint James Carey to be interpreter for the United States to the said Cherokee nation of Indians, and assistant at the public trading house established at the Tellico block-house, in the state of Tennessee: And whereas the said James Carey did accept the said appointments, and on the twenty-first day of April, in the year of our Lord one thousand seven hundred and ninety-seven, and for a long time before and afterwards, did exercise the functions and duties attached to the same; yet the said William Blount, on or about the said twenty-first day of April, in the year last aforesaid, then being a Senator of the United States, and well knowing the premises, did, in prosecution of his criminal designs, and in furtherance of his conspiracies aforesaid, conspire and contrive to seduce the said James Carey from the duty and trust of his said appointments, and to engage the said James Carey to assist in the promotion and execution of his said criminal intentions and conspiracies aforesaid, contrary to the duty of his trust and station as a Senator of the United States, and against the laws and treaties of the United States, and the peace and interests thereof.

## ARTICLE V.

That whereas certain tribes or nations of Indians inhabit within the territorial limits of the United States, between whom, or many of them, and the settlements of the United States, certain boundary lines have, by successive treaties, been stipulated and agreed upon, to separate the lands and possessions of the said Indians from the lands and possessions of the United States, and the citizens thereof: And whereas, particularly, by the treaty in the last article mentioned to have been made with the Cherokee nation, on the second day of July, in the year of our Lord one thousand seven hundred and ninety-one, the boundary line between the United States and the said Cherokee nation was agreed and defined; and it was further stipulated that the same should be ascertained and marked plainly by three persons appointed on the part of the United States, and three Cherokees on the part of their nation: And whereas, by another treaty, made with the said Cherokee nation, on the twenty-sixth day of June, in the year of our Lord one thousand seven hundred and ninety-four, the said hereinbefore recited treaty of the second day of July, in the year of our Lord one thousand seven hundred and ninety-one, was confirmed and established, and it was mutually agreed that the said boundary line should be actually ascertained and marked in the manner prescribed by the said last mentioned treaty: And whereas, in pursuance of the said

treaties, commissioners were duly nominated and appointed on the part of the United States, to ascertain and mark the said boundary line; yet the said William Blount, on or about the twenty-first day of April, in the year of our Lord one thousand seven hundred and ninety-seven, then being a Senator of the United States, and well knowing the premises, in further prosecution of his said criminal designs and of his conspiracies aforesaid, and the more effectually to accomplish his intention of exciting the said Indians to commence hostilities against the subjects of his Catholic Majesty, did further conspire and contrive to diminish and impair the confidence of the said Cherokee nation in the government of the United States, and to create and foment discontents and disaffection among the said Indians towards the government of the United States, in relation to the ascertainment and marking of the said boundary line, contrary to the duty of his trust and station as a Senator of the United States, and against the peace and interests thereof.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any further articles, or other accusation, or impeachment, against the said William Blount, and, also, of replying to his answers which he shall make unto the said articles, or any of them, and of offering proof to all and every the aforesaid articles, and to all and every other articles, impeachment, or accusation, which shall be exhibited by them, as the case shall require, *do demand*, that the said William Blount may be put to answer the said crimes and misdemeanors, and that such proceedings, examinations, trials, and judgments, may be thereupon had and given, as are agreeable to law and justice.

Signed by order and in behalf of the House:

Attest, JONATHAN W. CONDY, *Clerk*.

JONATHAN DAYTON, *Speaker*.

IN SENATE OF THE UNITED STATES,

March 1, 1798.

A true copy of the articles of impeachment against William Blount.

Attest,

SAM. A. OTIS, *Secretary*.

And the return was sworn to, as follows, by the returning officer:

James Mathers, Sergeant-at-Arms to the Senate of the United States, maketh oath, that, in obedience to the within summons, he did repair to the usual place of residence of the within named William Blount, at Knoxville, in the state of Tennessee, and, on the twenty-seventh day of August in the present year, did there leave a true copy of the said writ of summons, and of the articles of impeachment annexed, with the wife of the said William Blount, he not being to be found; and that on the next day, meeting with the said William Blount at the Blue Springs, the deponent shewed and read the said original writ to the said William Blount, and informed him that he had left a copy at the usual place of his residence.

JAMES MATHERS.

The doors of the court were then opened by order of the President, and by his order the Sergeant-at-Arms called the said William Blount three several times, in the words following, to appear and answer:

Hear ye! Hear ye! Hear ye!

William Blount, late a Senator from the state of Tennessee, come forward and answer the articles of impeachment exhibited against you by the House of Representatives.

Notwithstanding which the said William Blount did not appear.

Whereupon,

The court adjourned to 12 o'clock to-morrow.

TUESDAY, DECEMBER 18, 1798.

*The United States vs. William Blount.*

The President communicated a letter signed Jared Ingersoll and A. J. Dallas, praying to be admitted and plead as counsel for the defendant William Blount.

On motion

Ordered, That the said Jared Ingersoll and A. J. Dallas have permission to appear as counsel accordingly.

The oath prescribed was administered to Messrs. Hillhouse and Stockton.

On motion,

Ordered, That the Secretary inform the House of Representatives that Jared Ingersoll and A. J. Dallas have asked and obtained leave to appear at the bar of the Senate



aa counsel, and to plead in behalf of William Blount upon the impeachment now depending.

The managers on the part of the House of Representatives, to wit: Messrs. Dana, Dennis, Evans, Gordon, Harper, Hosmer, Pinckney, and Sewal, appeared at the bar.

Messrs. Ingersoll and Dallas also appeared at the bar as counsel for the defendant, conformable to permission by them requested.

On motion, by Mr. Harper, in behalf of the managers, that further time be allowed them to prepare their proceedings in the case,

It was agreed that they have until Monday next at 12 o'clock for that purpose.

The managers and counsel for the defendant withdrew, and

The court adjourned to 12 o'clock on Monday next.

### MONDAY, DECEMBER 24, 1798.

The oath prescribed was administered to the Honorable Mr. Davenport, a member of this court.

The managers, and also the counsel for the defendant, as on the 18th instant, attended.

On motion, by Mr. Harper, in behalf of the managers, that the counsel exhibit and file the power or powers by which they are authorized to appear in behalf of William Blount, and that the managers be furnished with a copy thereof—

Mr. Dallas, on behalf of the counsel, exhibited sundry letters to the President, which he alleged contained the powers, and also the confidential instructions of Mr. Blount to his counsel.

The court was cleared in order to take into consideration the motion made by the managers of the impeachment; and

On motion, that it be ruled,

That the court having, on the 18th day of this present month, admitted Jared Ingersoll and A. J. Dallas, Esqrs. to appear and plead for William Blount, on the impeachment now depending against him; and the court having then been satisfied that the said counsel were duly authorized to appear for the said William Blount, are of opinion that it is not necessary that any warrant of attorney or other written authority, be now filed in this court:

It was determined in the affirmative, { Yeas . . . . . 20,  
Nays . . . . . 2.

Those who voted in the affirmative, are,  
Messrs. Anderson, Bloodworth, Chipman, Davenport, Foster, Goodhue, Greene, Hillhouse, Howard, Langdon, Latimer, Laurance, Marshall, Martin, Paine, Read, Ross, Smith, Stockton, and Watson.

Those who voted in the negative, are,  
Messrs. Livermore, and Tracy.

The managers and counsel for the defendant were again admitted, and the President stated to them the rule entered up, on the motion of the managers.

The President returned to Mr. Dallas the letters by him exhibited, in behalf of the counsel, unopened.

The President communicated to the court a letter, signed Nicholas Romaine, stating that he is ready to attend as evidence, touching the impeachment pending against William Blount, whenever thereunto required.

The President then asked the managers, if they had any further motion to make prior to permission to the counsel for the defendant to file their plea? To which the managers replied in the negative.

Whereupon the President notified the counsel that they were permitted to file their plea, which was done by Mr. Ingersoll, and read by the Secretary, as follows:

*United States,* } Upon impeachment of the House of Representatives of the United  
vs. } States, of high crimes and misdemeanors.  
*William Blount..* }

IN SENATE OF THE UNITED STATES.

December 24, 1798.

The aforesaid William Blount, saving and reserving to himself all exceptions to the uncertainty and imperfections of the articles of impeachment, by Jared Ingersoll and Alexander James Dallas, his attorneys, comes and defends the force and injury, and says, that he, to the articles of impeachment, preferred against him by the House of Representatives of the United States, ought not to be compelled to answer, because

he says that the eighth article of certain amendments of the constitution of the United States, having been ratified by nine states, after the same was in a constitutional manner proposed to the consideration of the several states in the Union, is of equal obligation with the original constitution, and now forms a part thereof; and that by the same eighth article it is declared and provided, that, "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence." That proceedings by impeachment are provided and permitted by the constitution of the United States only on charges of treason, bribery, or other high crimes and misdemeanors, alleged to have been committed by the President, Vice President, or any civil officer of the United States, in the execution of their offices, held under the United States, as appears by the fourth section of the second article, and the seventh clause of the third section of the first article, and other articles and clauses contained in the constitution of the United States. That, although true it is, that he, the said William Blount, was a Senator of the United States from the state of Tennessee, at the several periods in the said articles of impeachment referred to, yet that he, the said William, is not now a Senator, and is not, nor was at the several periods, so as aforesaid referred to, a civil officer of the United States, nor is he the said William in and by the said articles charged with having committed any crime or misdemeanor in the execution of any civil office held under the United States, nor with any misconduct in a civil office or abuse of any public trust in the execution thereof.

That the courts of common law of a criminal jurisdiction of the states wherein the offences in the said articles recited are said to have been committed, as well as those of the United States, are competent to the cognizance, prosecution, and punishment, of the said crimes and misdemeanors, if the same have been perpetrated, as has been suggested and charged by the said articles; which, however, he utterly denies. All which the said William is ready to verify. And prays judgment whether this high court will have further cognizance of this suit, and of the said impeachment, and whether he the said William, to the said articles of impeachment, so as aforesaid preferred by the House of Representatives of the United States, ought to be compelled to answer.

JARED INGERSOLL,  
A. J. DALLAS.

On request, by Mr. Harper, in behalf of the managers, that they be allowed a further day, to wit: until Thursday se'nnight to file their replication.

The court was cleared; and,

On motion to agree to the time requested,

It passed unanimously in the affirmative, Yeas 22.

Those who voted in the affirmative, are,

Messrs. Anderson, Bloodworth, Chipman, Davenport, Foster, Goodhue, Greene, Hillhouse, Howard, Langdon, Latimer, Laurance, Livermore, Marshall, Martin, Paine, Read, Ross, Smith, Stockton, Tracy, and Watson.

The managers and counsel were again admitted, and

The President stated to them the rule entered up, on this request of the managers, for further time.

The court adjourned to Thursday se'nnight, at 12 o'clock.

THURSDAY, JANUARY 3, 1799.

*United States vs. William Blount.*

The court being opened, and proclamation made by the Sergeant-at-Arms to keep silence,

The Secretary administered the oath to the Vice President.

The oath was also administered to the Honorable James Lloyd, a member of this court.

The managers attended, present as on the 18th of December, and also Messrs. Bayard, Imlay, and Kittera.

The counsel also for the defendant appeared.

Mr. Bayard, in behalf of the managers, filed a replication, which was read by the Secretary, as follows:



*The Replication of the House of Representatives of the United States, in their own behalf, and also in the name of the people of the United States, to the plea of WILLIAM BLOUNT to the jurisdiction of the Senate of the United States, to try the articles of impeachment exhibited by them to the Senate against the said William Blount.*

The House of Representatives of the United States, prosecuting on behalf of themselves and the people of the United States the articles of impeachment exhibited by them to the Senate of the United States against the said William Blount, reply to the plea of the said William Blount, and say, That the matters alleged in the said plea are not sufficient to exempt the said William Blount from answering the said articles of impeachment, because they say, that, by the constitution of the United States, the House of Representatives had power to prefer the said articles of impeachment, and that the Senate have full and the sole power to try the same:—Wherefore, they demand that the plea aforesaid of the said William Blount be not allowed, but that the said William Blount be compelled to answer the said articles of impeachment.

Signed by order, and in behalf of the House,  
JONATHAN DAYTON, *Speaker.*

Attest, JONATHAN W. CONDY, *Clerk.*

To this, Mr. Ingersoll, counsel for the defendant, filed a rejoinder, which was read by the Secretary, as follows:

United States, }  
vs. } In the Senate of the United States.  
William Blount. }

And the aforesaid William Blount, by Jared Ingersoll and Alexander J. Dallas, his attorneys, says, that the matter by him before alleged, which he is ready to verify, is sufficient reason in law to show that this court ought not to hold jurisdiction of the said impeachment, and the articles therein set forth; which said matter, so as aforesaid, by him alleged, the said House of Representatives not having denied or made answer thereto, he prays the judgment of this honorable court, whether they will hold further jurisdiction of the said impeachment, or take cognizance thereof, and whether the said William shall make further answer thereto.

JARED INGERSOLL,  
A. J. DALLAS.

January 3, 1799.

Mr. Bayard then opened the cause in support of the articles of impeachment.

On motion, by Mr. Ingersoll, in behalf of the defendant, for further time to reply,

The court was cleared; and

On motion to agree to a further time,

It was unanimously determined in the affirmative, Yeas 23.

Messrs. Anderson, Bloodworth, Chipman, Davenport, Foster, Goodhue, Greene, Gunn, Hillhouse, Howard, Langdon, Latimer, Laurance, Livermore, Lloyd, Marshall, Martin, Paine, Read, Ross, Stockton, Tracy, and Watson.

The court was again opened; and

The managers and counsel notified that further time would be given, to wit, until 11 o'clock to-morrow morning, to which time the court was adjourned.

FRIDAY, JANUARY 4, 1799.

HIGH COURT OF IMPEACHMENTS—*United States vs. William Blount.*

The managers and counsel for the defendant attended.

Proclamation being made to keep silence,

The Vice President notified the counsel they might proceed, and Mr. Dallas, in behalf of the defendant, was heard in support of his plea.

On motion,

That the court adjourn, the court was cleared, and the motion was agreed to.

Whereupon, the parties were called in and notified that this court is adjourned to 11 o'clock to-morrow morning.

SATURDAY, JANUARY 5, 1799.

HIGH COURT OF IMPEACHMENTS—*United States vs. William Blount.*

The managers and counsel for the defendant attended.

Proclamation being made to keep silence,

Whereupon, the parties were called in and notified that this court is adjourned to 12 o'clock on Monday next.

Those who voted in the affirmative, are,



Messrs. Chipman, Davenport, Goodhue, Latimer, Livermore, Lloyd, Paine, Ross Sedgwick, Stockton, and Tracy.

Those who voted in the negative, are,  
Messrs. Anderson, Bingham, Bloodworth, Brown, Foster, Greene, Gunn, Hillhouse, Howard, Langdon, Marshall, Martin, Mason, and Read.

On motion,

The court adjourned to 12 o'clock to-morrow.

FRIDAY, JANUARY 11, 1799.

HIGH COURT OF IMPEACHMENTS—*United States vs. William Blount.*

On motion, it was determined, that

"The court is of opinion that the matter alleged in the plea of the defendant is sufficient in law to shew that this court ought not to hold jurisdiction of the said impeachment, and that the said impeachment be dismissed:"

Yeas . . . . . 14,

Nays . . . . . 11.

Those who voted in the affirmative, are,  
Messrs. Anderson, Bingham, Bloodworth, Brown, Foster, Green, Gunn, Hillhouse, Howard, Langdon, Marshall, Martin, Mason, and Read.

Those who voted in the negative, are,  
Messrs. Chipman, Davenport, Goodhue, Latimer, Livermore, Lloyd, Paine, Ross, Sedgwick, Stockton, and Tracy.

On motion,

*Ordered*, That the Secretary notify the House of Representatives that the Senate will be ready to receive the managers of the House of Representatives and the counsel of the defendant on Monday next at 12 o'clock, to render judgment in the impeachment against William Blount; and

On motion,

It was agreed to dispense with the taking of the yeas and nays on the foregoing order.

The court adjourned to 12 o'clock on Monday next.

MONDAY, JANUARY 14, 1799.

HIGH COURT OF IMPEACHMENTS—*United States vs. William Blount.*

The court being open, the parties attending, and silence proclaimed, Judgment was pronounced by the Vice President, and a copy thereof was delivered to the managers and to the counsel for the defendant, respectively, as follows:

*Gentlemen managers of the House of Representatives  
and gentlemen counsel for William Blount:*

The court is of opinion that the matter alleged in the plea of the defendant is sufficient in law to shew that this court ought not to hold jurisdiction of the said impeachment, and that the said impeachment be dismissed.

On which the parties withdrew; and

On motion,

The court adjourned without day.

A true copy.—Attest,

SAMUEL A. OTIS, *Secretary.*

# THE TRIAL OF JOHN PICKERING,

JUDGE OF THE NEW HAMPSHIRE DISTRICT,

ON A CHARGE EXHIBITED TO

## THE SENATE OF THE UNITED STATES,

FOR HIGH CRIMES AND MISDEMEANORS.

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IN SENATE OF THE UNITED STATES,

THURSDAY, MARCH 3, 1803.

A message was received from the House of Representatives, by Messrs. Nicholson and Randolph, two of the members of said House, in the words following:

*Mr. President:* We are commanded, in the name of the House of Representatives, and of all the people of the United States, to impeach John Pickering, judge of the district court of the district of New Hampshire, of high crimes and misdemeanors; and to acquaint the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him, and make good the same.

We are further commanded to demand that the Senate take order for the appearance of the said John Pickering, to answer to the said impeachment.

On motion,

*Ordered,* That the message received this day from the House of Representatives, respecting the impeachment of John Pickering, judge of a district court, be referred to Messrs. Tracy, Clinton, and Nicholas, to consider and report thereon.

THURSDAY EVENING, 6 o'clock.

Mr. Tracy, from the committee appointed on the subject, made the following report; which was adopted and the House of Representatives notified accordingly.

Whereas the House of Representatives have this day, by two of their members, Messrs. Nicholson and Randolph, at the bar of the Senate, impeached John Pickering, judge of the district court for the district of New Hampshire, of high crimes and misdemeanors, and have acquainted the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him, and make good the same.

And have likewise demanded that the Senate take order for the appearance of the said John Pickering, to answer to the said impeachment:

Therefore,

*Resolved,* That the Senate will take proper order thereon, of which due notice shall be given to the House of Representatives.

THURSDAY, OCTOBER 27, 1803.

A motion was made that the Senate adopt the following resolution, viz.:

*Resolved,* That a committee be appointed to prepare the process to compel the attendance of John Pickering to answer the charge exhibited against him by the House of Representatives at their last session.

*Ordered,* That this motion lie on the table.



MONDAY, NOVEMBER 14, 1803.

On motion,

The Senate resumed the consideration of the resolution proposed on the 27th of October last, respecting the impeachment of John Pickering; and, having agreed to an amendment thereto,

*Resolved*, That a committee be appointed to inquire if any and what further proceedings, at present, ought to be had by the Senate respecting the impeachment of John Pickering, made at the bar of this Senate by two members of the House of Representatives, on the last day of the last session of Congress; and

*Ordered*, That Messrs. Tracy, Bradley, Baldwin, Wright, and Cocke, be the committee to consider and report thereon to the Senate,

TUESDAY, JANUARY 3, 1804.

Mr. Tracy, from the committee to whom was referred, on the 14th November last, the motion to inquire if any and what further proceedings, at present, ought to be had by the Senate respecting the impeachment of John Pickering, made report; which was read.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: I am directed to inform the Senate that the House of Representatives have appointed managers on their part to conduct the impeachment against John Pickering, judge of the district court of the United States for the district of New Hampshire, and have also directed the said managers to carry to the Senate the articles agreed upon by the House of Representatives, to be exhibited against the said John Pickering.

On motion,

The Senate took into consideration the report of the committee, made this day, on what further proceedings, at present, ought to be had by the Senate respecting the impeachment of John Pickering; and,

On motion,

It was agreed that the report be postponed.

On motion,

*Resolved*, That, at twelve o'clock to-morrow, the Senate will resolve itself into a court of impeachments, at which time the following oath, or affirmation, shall be administered by the Secretary to the President of the Senate, and by him to each member of the Senate, viz. :

"I solemnly swear, or affirm, (as the case may be) that, in all things appertaining to the trial of the impeachment of John Pickering, judge of the district court of the district of New Hampshire, I will do impartial justice, according to law."

Which court of impeachments, being thus formed, will, at the time aforesaid, receive the managers appointed by the House of Representatives, to exhibit articles of impeachment, in the name of themselves and of all the people of the United States, against John Pickering, judge of the district court for the district of New Hampshire, pursuant to notice given to the Senate this day by the House of Representatives, that they had appointed managers for the purposes aforesaid.

*Ordered*, That the Secretary lay this resolution before the House of Representatives.

On motion,

*Ordered*, That a committee be appointed to search the journals, and report precedents in cases of impeachment, and that Messrs. Tracy, Bradley, Baldwin, Wright, and Cocke, to whom it was referred on the 14th of November last to consider and report, if any, what further proceedings ought to be had by the Senate respecting the impeachment of John Pickering, be this committee.

WEDNESDAY, JANUARY 4, 1804.

Mr. Tracy, from the committee appointed yesterday to examine precedents and prepare forms necessary in the trial of John Pickering, impeached by the House of Representatives of high crimes and misdemeanors, reported, in part, that it be

*Resolved*, That, after the managers of the impeachment shall be introduced to the bar of the Senate, and shall have signified that they are ready to exhibit articles of impeachment against John Pickering, the President of the Senate shall direct the Sergeant-at-arms to make proclamation; who shall, after making proclamation, repeat the following words: "All persons are commanded to keep silence on pain of imprison-

ment, while the grand inquest of the nation is exhibiting to the Senate of the United States, sitting as a court of impeachments, articles of impeachment against John Pickering, judge of the district court for the district of New Hampshire."

After which the articles shall be exhibited, and then the President of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives; and the report was adopted.

WEDNESDAY, JANUARY 4, 1804.

### HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*

Agreeably to the resolution of yesterday, the Senate proceeded to organize the court.

The Secretary administered the following oath to the President:

"You solemnly swear that, in all things appertaining to the trial of the impeachment of John Pickering, judge of the district court of the district of New Hampshire, you will do impartial justice, according to law."

The President administered the oath, respectively, to Messrs. Adams, Armstrong, Anderson, Bailey, Baldwin, Bradley, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Hillhouse, Jackson, Olcott, Pickering, Potter, Israel Smith, Samuel Smith, John Smith, Tracy, Venable, Wells, and Worthington; and the affirmation to Messrs. Logan, Maclay, and Plumer.

A message from the House of Representatives.

The managers on the part of the House of Representatives, Messrs. Nicholson, Early, Rodney, Eustis, John Randolph, jun. Samuel L. Mitchill, George W. Campbell, Blackledge, Boyle, Joseph Clay, and Newton, were admitted; and Mr. Nicholson, the chairman, announced that they were the managers instructed by the House of Representatives to exhibit certain articles of impeachment against John Pickering, district judge of the district of New Hampshire.

They were requested by the President to take seats assigned them within the bar.

The Sergeant-at-Arms was directed to make proclamation, in the words following:

Oyes! Oyes! Oyes!

All persons are commanded to keep silence on pain of imprisonment, while the grand inquest of the nation is exhibiting to the Senate of the United States, sitting as a court of impeachments, articles of impeachment against John Pickering, judge of the district court of the district of New Hampshire.

The managers then rose, and Mr. Nicholson, their chairman, read the articles, as follow:

*ARTICLES exhibited by the House of Representatives of the United States, in the name of themselves and of all the people of the United States, against JOHN PICKERING, judge of the district court of the district of New Hampshire, in maintenance and support of their impeachment against him, for high crimes and misdemeanors.*

#### ARTICLE I.

That whereas George Wentworth, surveyor of the district of New Hampshire, did, in the port of Portsmouth, in the said district, on waters that are navigable from the sea by vessels of more than ten tons burthen, on the fifteenth day of October, in the year one thousand eight hundred and two, seize the ship called the Eliza, of about two hundred and eighty-five tons burthen, whereof William Ladd was late master, together with her furniture, tackle, and apparel, alleging that there had been unladen from on board of said ship, contrary to law, sundry goods, wares, and merchandise, of foreign growth and manufacture, of the value of four hundred dollars and upwards, and did likewise seize on land within the said district, on the seventh day of October, in the year one thousand eight hundred and two, two cables of the value of two hundred and fifty dollars, part of the said goods, which were alleged to have been unladen from on board the said ship as aforesaid, contrary to law; and whereas Thomas Chadbourne, a deputy marshal of the said district of New Hampshire, did, on the sixteenth day of October, in the year one thousand eight hundred and two, by virtue of an order of the said John Pickering, judge of the district court of the said district of New Hampshire, arrest and detain in custody, for trial, before the said John Pickering,



judge of the said district court, the said ship called the Eliza, with her furniture, tackle, and apparel, and also the two cables aforesaid: and whereas, by an act of Congress, passed on the second day of March, in the year one thousand seven hundred and eighty-nine, it is among other things provided that "upon the prayer of any claimant to the court, that any ship or vessel, goods, wares, or merchandise, so seized and prosecuted, or any part thereof, should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares, or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisement shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form to the United States, for the payment of a sum equal to the sum of which the ship or vessel, goods, wares, or merchandise, so prayed to be delivered and appraised, and moreover produce a certificate from the collector of the district wherein such trial is had, and of the naval officer thereof, if any there be, that the duties on the goods, wares, and merchandise, or tonnage duty on the ship or vessel, so claimed, have been paid or secured, in like manner as if the goods, wares, or merchandise, ship, or vessel, had been legally entered, the court shall, by rule, order such ship or vessel, goods, wares, or merchandise, to be delivered to the said claimant:" Yet the said John Pickering, judge of the said district court, of the said district of New Hampshire, the said act of Congress not regarding, but with intent to evade the same, did order the said ship called the Eliza, with her furniture, tackle, and apparel, and the said two cables, to be delivered to a certain Eliphalett Ladd, who claimed the same, without his, the said Eliphalett Ladd's, producing any certificate from the collector and naval officer of the said district, that the tonnage duty on the said ship, or the duties on the said cables, had been paid or secured, contrary to his trust and duty as judge of the said district court, against the laws of the United States, and to the manifest injury of their revenue.

## ARTICLE II.

That whereas, at a special district court of the United States, begun and held at Portsmouth, on the eleventh day of November, in the year one thousand eight hundred and two, by John Pickering, judge of said court, the United States, by Joseph Whipple, their collector of said district, having libelled, propounded and given the said judge to understand and be informed, that the said ship Eliza, with her furniture, tackle, and apparel, had been seized as aforesaid, because there had been unladen therefrom, contrary to law, two cables and one hundred pieces of check, of the value of four hundred dollars and upwards, and having prayed in their said libel, that the said ship, with her furniture, tackle and apparel, might, by the said court, be adjudged to be forfeited to the United States, and be disposed of according to law, and a certain Eliphalett Ladd, by his proctor and attorney, having come into the said court, and having claimed the said ship Eliza, with her tackle, furniture, and apparel, and having denied that the said two cables, and the said one hundred pieces of check, had been unladen from the said ship contrary to law, and having prayed the said court that the said ship, with her furniture, tackle, and apparel, might be restored to him, the said Eliphalett Ladd, the said John Pickering, judge of the said district court, did proceed to the hearing and trial of the cause, thus depending between the United States on the one part, claiming the said ship Eliza, with her furniture, tackle, and apparel, as forfeited by law, and the said Eliphalett Ladd on the other part, claiming the said ship Eliza, with her furniture, tackle, and apparel, in his own proper right; and whereas John S. Sherburne, attorney for the United States, in and for the said district of New Hampshire, did appear in the said district court, as his special duty it was by law, to prosecute the said cause in behalf of the United States, and did produce sundry witnesses to prove the facts charged by the United States in their libel, filed by their collector as aforesaid, in the said court, and to shew that the said ship Eliza, with her tackle, furniture, and apparel, was justly forfeited to the United States, and did pray the said court that the said witnesses might be sworn in behalf of the United States; yet the said John Pickering, being then judge of the said district court, and then in court sitting, with intent to defeat the just claims of the United States, did refuse to hear the testimony of the said witnesses so as aforesaid produced in behalf of the United States, and without hearing the said testimony so adduced in behalf of the United States, in the trial of the said cause, did order and decree the said ship Eliza, with her furniture, tackle, and apparel, to be restored to the said Eliphalett Ladd, the claimant, contrary to his trust and duty, as judge of the said district court, in violation of the laws of the United States, and to the manifest injury of their revenue.

## ARTICLE III.

That whereas it is provided, by an act of Congress, passed on the twenty fourth day of September, in the year one thousand seven hundred and eighty nine, "that from all final decrees in a district court in causes of admiralty and maritime jurisdiction, where the matter in dispute exceeds the sum or value of three hundred dollars, exclusive of costs, an appeal shall be allowed to the next circuit court, to be held in such district;" and whereas, on the twelfth day of November, in the year one thousand eight hundred and two, at the trial of the aforesaid cause, between the United States, on the one part, claiming the said ship *Eliza*, with her furniture, tackle, and apparel, as forfeited, for the causes aforesaid, and the said Eliphalett Ladd, on the other part, claiming the said ship *Eliza*, with her furniture, tackle, and apparel, in his own proper right, the said John Pickering, judge of the said district court of the district of New Hampshire, did decree that the said ship *Eliza*, with her tackle, furniture, and apparel, should be restored to the said Eliphalett Ladd, the claimant; and whereas the said John S. Sherburne, attorney for the United States, in and for the said district of New Hampshire, and prosecuting the said cause for and on the part of the United States, on the said twelfth day of November, in the year one thousand eight hundred and two, did, in the name and behalf of the United States, claim an appeal from the said decree of the district court, to the next circuit court, to be held in the said district of New Hampshire, and did pray the said district court to allow the said appeal, in conformity to the provisions of the act of Congress last aforesaid, yet the said John Pickering, judge of the said district court, disregarding the authority of the laws, and wickedly meaning and intending to injure the revenues of the United States, and thereby to impair their public credit, did absolutely and positively refuse to allow the said appeal, as prayed for and claimed by the said John S. Sherburne, in behalf of the United States, contrary to his trust and duty as judge of the said district court, against the laws of the United States, to the great injury of the public revenue, and in violation of the solemn oath which he had taken, to administer equal and impartial justice.

## ARTICLE IV.

That whereas, for the due, faithful, and impartial administration of justice, temperance and sobriety are essential qualities in the character of a judge, yet the said John Pickering, being a man of loose morals and intemperate habits, on the eleventh and twelfth days of November, in the year one thousand eight hundred and two, being then judge of the district court, in and for the district of New Hampshire, did appear upon the bench of the said court, for the purpose of administering justice, in a state of total intoxication, produced by the free and intemperate use of inebriating liquors; and did then and there frequently, in a most prophane and indecent manner, invoke the name of the Supreme Being, to the evil example of all the good citizens of the United States; and was then and there guilty of other high misdemeanors, disgraceful to his own character as a judge, and degrading to the honor and dignity of the United States.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles, or other accusation or impeachment, against the said John Pickering; and, also, of replying to his answers which he shall make to the said articles, or any of them, and of offering proof to all and every the aforesaid articles, and to all and every other articles, impeachment, or accusation, which shall be exhibited by them, as the case shall require, do demand that the said John Pickering may be put to answer the said high crimes and misdemeanors, and that such proceedings, examinations, trials, and judgments, may be thereupon had and given, as may be agreeable to law and justice.

Signed by order, and in behalf of the House.

NATHANIEL MACON, *Speaker.*

JOHN BECKLEY, *Clerk.*

He then delivered the articles at the table. Whereupon,

The President notified the managers that the Senate would take proper order on the subject of the impeachment, of which due notice should be given to the House of Representatives. And they withdrew.

The court adjourned to 12 o'clock to-morrow.



THURSDAY, JANUARY 5, 1804.

HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*  
The President administered the oath prescribed to Mr. Dayton.  
The court adjourned to 12 o'clock on Monday.

MONDAY, JANUARY 9, 1804.

HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*

The oath prescribed was administered to Messrs. Nicholas, Stone, and White.

Mr. Tracy reported, from the committee, appointed the 3d instant, to examine precedents, and to prepare the forms necessary in the trial of John Pickering, impeached by the House of Representatives of high crimes and misdemeanors; and the report was read.

*Ordered*, That it be printed for the use of the members.

The court adjourned to 12 o'clock to-morrow.

TUESDAY, JANUARY 10, 1804.

HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*

The court took into consideration the report of the committee made yesterday; and, after discussion, and agreeing that the words "Michael M'Clary, Esq. marshal of the district of New Hampshire," in the first resolution, should be struck out,

*Ordered*, That the report be recommitted to the original committee, further to report thereon.

The court adjourned to 12 o'clock to-morrow.

WEDNESDAY, JANUARY 11, 1804.

HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*

Mr. Tracy, from the committee appointed on the 3d instant to examine precedents and to prepare the forms necessary in the trial of John Pickering, impeached by the House of Representatives of high crimes and misdemeanors, made report in part; which was read; and, after progress,

The court adjourned to 11 o'clock to-morrow morning.

THURSDAY, JANUARY 12, 1804.

HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*

The court resumed the consideration of the report made yesterday.

On motion, to fill the second blank in the form of the writ of summons prescribing the day on which the defendant shall appear, with the words "second Tuesday of December next:"

It passed in the negative, { Yeas . . . . . 6,  
  { Nays . . . . . 21.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Bradley, Brown, Condit, Jackson, Plumer, and Samuel Smith.

Those who voted in the negative, are,

Messrs. Adams, Anderson, Armstrong, Baldwin, Breckinridge, Cocke, Franklin, Hillhouse, Logan, Maclay, Nicholas, Olcott, Pickering, Potter, Israel Smith, John Smith, Tracy, Venable, Wells, White, and Worthington.

On motion,

It was agreed to fill the blank with the words "second day of March next."

On motion,

It was agreed to fill the blank in the clause of the report, providing that the Secretary of the Senate advance a sum of money out of the contingent fund towards the travelling expenses of the Sergeant-at-arms, with the words "two hundred dollars."

And the report having been further amended, was adopted, as follows:

*Resolved*, That a summons issue directed to the said John Pickering, in the form following:

*United States of America, sct.*

The Senate of the United States of America, in their capacity of a court of impeachments, to John Pickering, judge of the district court for the district of New Hampshire, greeting:—

Whereas the House of Representatives of the United States of America did, on the fourth day of January, exhibit to the Senate, then sitting as a court of impeachments, articles of impeachment against you the said John Pickering, charging you with high crimes and misdemeanors, therein specially set forth in the words following, viz:

[Here insert the articles.]

And did demand that you the said John Pickering should be put to answer the accusations of high crimes and misdemeanors, as set forth in said articles; and that such proceedings, examinations, trials, and judgments, might be thereupon had, as are agreeable to law and justice. You, the said John Pickering, are therefore hereby summoned to be and appear before the Senate of the United States of America, in their capacity of a court of impeachments, at their chamber in the city of Washington, on the second day of March next, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform, such orders and judgments as the Senate of the United States, acting in their said capacity of a court of impeachments, shall make in the premises, according to the constitution and laws of the said United States. Hereof you are not to fail.

Witness, AARON BURR, Vice President of the United States of America, and President of the Senate thereof, at the city of Washington, this 12th day of January, in the year of our Lord one thousand eight hundred and four, and of the Independence of the United States the twenty-eighth.

Which summons shall be signed by the Secretary of the Senate, and sealed with their seal, and served by James Mathers, sergeant at-arms to the Senate, who shall serve the same pursuant to the directions given in the next following resolution:

2d. *Resolved*, That a precept shall be endorsed on said writ of summons, in the form following, viz:

*United States of America, ss.*

The Senate of the United States, in their capacity of a court of impeachments, to James Mathers, Sergeant-at-arms to the Senate, greeting: You are hereby commanded to deliver to and leave with John Pickering, Esq. district judge of the district of New Hampshire, if to be found, a true and attested copy of the within writ of summons, together with a like copy of this precept, shewing him both; or in case he cannot with convenience be found, you are to leave true and attested copies of the said summons and precept at his usual place of residence; and in which ever way you perform the service, let it be done at least thirty days before the appearance day mentioned in the said writ of summons. Fail not, and make return of this writ of summons and precept, with your proceedings thereon endorsed, on or before the appearance day therein mentioned in said writ of summons. Witness, AARON BURR, Vice President of the United States of America, and President of the Senate thereof, at the city of Washington, this 12th day of January, in the year of our Lord 1804, and of the Independence of the United States the twenty-eighth.

Which precept shall be signed by the Secretary of the Senate, and sealed with their seal.

3d. *Resolved*, That the Secretary of the Senate be, and he is hereby, directed to pay the necessary expenses arising upon the process aforesaid, after the same shall be allowed by the President of the Senate for the time being, out of the fund appropriated to defray the contingent expenses of the two Houses of Congress, and the Secretary of the Senate is hereby authorized and directed to advance, out of said fund, to said James Mathers, for his travelling expenses, the sum of two hundred dollars, to be by said James Mathers accounted for in a final settlement for his services.

4th. *Resolved*, That the Secretary of the Senate do acquaint the House of Representatives of the foregoing resolutions, and deliver to them a copy of the same.

Mr. Tracy, from the committee last mentioned, further reported, in part, and the report was amended, as follows:

*Resolved*, That whenever application shall be made to the Secretary of the Senate for a subpoena or subpoenas for witnesses, by the House of Representatives, either by their managers of the impeachment, or in any other proper way, or by the party impeached, or his counsel, acknowledged as such, by the Senate, sitting as a court of impeachments, he shall issue to such applicant a subpoena, or subpoenas, in the following form, viz:

To [Here name the witnesses and residence.] Greeting:

You and each of you are hereby commanded, laying aside all excuses, to appear before the Senate of the United States, in their capacity of a court of impeachments, on the — day of —, at the Senate chamber, in the city of Washington, then and there to testify your knowledge in the cause which is before said court of impeachments for trial, in which the House of Representatives have impeached John Pickering, judge of





**FRIDAY, JANUARY 20, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The court adjourned to 12 o'clock on Monday next.

**MONDAY, JANUARY 22, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The court adjourned to 12 o'clock on Monday next.

**MONDAY, JANUARY 30, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The court adjourned to 12 o'clock to-morrow.

**TUESDAY, JANUARY 31, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The court adjourned to 12 o'clock to-morrow.

**WEDNESDAY, FEBRUARY 1, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The court adjourned to 12 o'clock to-morrow.

**THURSDAY, FEBRUARY 2, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The court adjourned to 12 o'clock on Thursday next.

**THURSDAY, FEBRUARY 9, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The following returns made by the Sergeant-at-Arms, on the summons issued against John Pickering, was filed; also, his return on the subpoena served on Michael M'Clary, to wit:

*United States of America, ss.*

I, James Mathers, Sergeant-at-Arms to the Senate of the United States, in obedience to the within summons, did proceed to the house of the within named John Pickering, on the twenty-fifth day of January, in the year one thousand eight hundred and four, and did then and there leave a true copy of the said writ of summons, together with a true copy of the articles of impeachment annexed, with him, the said John Pickering.

JAMES MATHERS.

*United States of America, ss.*

I, James Mathers, Sergeant-at-Arms to the Senate of the United States, did, on the 26th day of January, in the year one thousand eight hundred and four, proceed to the house of the within named Michael M'Clary, and served this subpoena by reading the same, and leaving with him a copy thereof.

JAMES MATHERS.

The court adjourned to 12 o'clock on Monday next.

**MONDAY, FEBRUARY 13, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The court adjourned to 12 o'clock on Monday next.

**MONDAY, FEBRUARY 20, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The returns of the Sergeant-at-Arms on the writ of summons against John Pickering.



ing was read; also, the return on the subpoena issued in the case to Michael M'Clary, marshal of the district of New Hampshire.

The Court adjourned to 12 o'clock on Monday next.

**MONDAY, FEBRUARY 27, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The court adjourned to 12 o'clock to-morrow.

**TUESDAY, FEBRUARY 28, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The court adjourned to 12 o'clock to-morrow.

**WEDNESDAY, FEBRUARY 29, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The court adjourned to 12 o'clock to-morrow.

**THURSDAY, MARCH 1, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

Mr. Tracy, from the committee appointed to examine precedents, and to prepare the forms necessary in the trial of John Pickering, made a report, which was in part adopted.

The Court adjourned to 12 o'clock to-morrow.

**FRIDAY, MARCH 2, 1804.**

**HIGH COURT OF IMPEACHMENTS—***The United States vs. John Pickering.*

The President administered the oaths prescribed to Messrs. John Smith, of New York, Sumter, and Wright.

The report of the committee, appointed to examine precedents, and to prepare forms necessary in the trial of John Pickering, impeached of high crimes and misdemeanors, was resumed, and sundry amendments agreed to; and the report was adopted, as follows:

*Resolved*, That the President of the Senate shall direct all the forms of proceeding, while the Senate are sitting as a court of impeachments, as to opening, adjourning, and all forms during the session, not otherwise specially provided for by the Senate.

And that the President of the Senate be requested to direct the preparations in the Senate Chamber for the accommodation of the Senate while sitting as a court, and for the reception and accommodation of the parties to the impeachment, their counsel, witnesses, &c.

And that he be authorized to direct the employment of the marshal, or any officer, or officers, of the District of Columbia, during the session of the court of impeachments, whose services he may think requisite, and which can be obtained for the purpose.

And all expenses arising under this resolution, after being first allowed by the President of the Senate, shall be paid by the Secretary, out of the fund appropriated to defray the contingent expenses of both Houses of Congress.

*Resolved*, That, on the second day of March instant, at one o'clock, the Legislative and Executive business of the Senate be postponed, and that the court of impeachments shall then be opened. After which, the process, which, on the twelfth day of January last, was directed to be issued and served on John Pickering, and the return thereon, shall be read. And the Secretary of the Senate shall administer an oath to the returning officer, in the following form, to wit: "I, James Mathers, do solemnly swear, that the return made and subscribed by me, upon the process issued on the twelfth day of January last, by the Senate of the United States, against John Pickering, is truly made, and that I have performed said services as there described. So help me God." Which oath shall be entered at large on the records.

The Secretary shall then give notice to the House of Representatives, that the Senate, in their capacity of a court of impeachments, are ready to proceed upon the im-

peachment of John Pickering, in the Senate chamber, which chamber is prepared with accommodations for the reception of the House of Representatives.

*Resolved*, That counsel for the parties shall be admitted, to appear and be heard upon said impeachment. And upon the attendance of the House of Representatives, their managers, or any person or persons admitted to appear for the impeachment, the said John Pickering shall be called to appear and answer the articles of impeachment exhibited against him. If he appears, or any person for him, the appearance shall be recorded, stating particularly if by himself, or if by agent or attorney—naming the person appearing, and the capacity in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded. All motions made by the parties or their counsel shall be addressed to the President of the Senate, and, if he shall require it, shall be committed to writing, and read at the Secretary's table; and after the parties shall be heard upon such motion, the Senate shall retire to the adjoining committee room for consideration, if one-third of the members present shall require it; but all decisions shall be had in open court, by ayes and noes, and without debate, which shall be entered on the records.

Witnesses shall be sworn in the following form, viz. "I, A B, do swear (or affirm, as the case may be,) that the evidence I shall give to this court in the case now depending shall be the truth, the whole truth, and nothing but the truth. So help me God."

Witnesses shall be examined by the party producing them, and then cross examined in the usual form.

If a Senator is called as a witness, he shall be sworn and give his testimony standing in his place.

If a Senator wishes a question to be put to a witness, it shall be reduced to writing, and put by the President.

The summons to John Pickering was read, together with the return made thereon by the Sergeant-at-Arms, and the oath prescribed was administered to the returning officer by the Secretary.

Subpœnas having been issued in the form prescribed, and directed for service to the marshal of the district of New Hampshire, upon Joseph Whipple, John S. Sherburne, Jonathan Steele, Richard Cutts Shannon, Thomas Chadbourne, Edward Hart, and Ebenezer Chadwick, the following return was made to them respectively:

#### UNITED STATES.

NEW HAMPSHIRE DISTRICT, ss. }  
January 28, 1804. }

Pursuant to this precept, I have served the same by reading it to the within named Ebenezer Chadwick, &c.

MICHAEL M'CLARY,  
Marshal for New Hampshire district.

*Ordered*, That the Secretary give notice to the House of Representatives that the Senate, in their capacity of a court of impeachments, are ready to proceed upon the impeachment of John Pickering, in the Senate chamber, which chamber is prepared with accommodations for the reception of the House of Representatives; and that the Secretary communicate a copy of the regulations agreed on to that house.

Whereupon,

The managers on the part of the House of Representatives attended; and the said John Pickering was three times called, to answer the articles of impeachment exhibited against him by the House of Representatives, but came not.

Upon which a suggestion, by petition, was made to this court, that said John Pickering was insane; and Jacob S. Pickering, the petitioner, and son to the said John, requested to be heard by counsel on said suggestion. To this motion the managers on the part of the House of Representatives objected, and the court took the motion into consideration; and the President informed the parties that when the court should make a decision the same should be duly notified to them.

The parties retired, and the court adjourned till to-morrow morning, 11 o'clock.

SATURDAY, MARCH 3, 1804.

#### HIGH COURT OF IMPEACHMENT—*The United States vs. John Pickering.*

The President administered to Mr. Armstrong, under his commission as a Senator from the Legislature of the state of New York, the oath prescribed.

On motion,

It was agreed that stenographers be admitted, under the direction of the President.



The court then adjourned to 12 o'clock on Monday next.

**MONDAY, MARCH 5, 1804.**

## HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*

The court adjourned to 12 o'clock to-morrow.

**TUESDAY, MARCH 6, 1804.**

## HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*

WEDNESDAY, MARCH 7, 1804.

## HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*

It passed in the affirmative, { Yeas . . . . . 19,  
{ Nays . . . . . 8.

Those who voted in the negative, are,  
Messrs. Adams, Bradley, Ellery, Hillhouse, Olcott, Pickering, Plumer, and Tracy.  
The court adjourned to 12 o'clock to-morrow.

## HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*

Joseph Whipple, Jonathan Steele, John S. Sherburne, Thomas Chadbourne, Ebenezer Chadwick, Richard C. Shannon, Michael M'Clary, and Edward Hart.

## HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*

After which, the managers observed that they had nothing further to offer to the court, and withdrew.

It passed in the negative,	{	Yeas . . . . .	10,
		Nays . . . . .	20.

The court adjourned to 12 o'clock to-morrow.

### HIGH COURT OF IMPEACHMENTS.—*The United States vs. John Pickering.*

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It passed in the negative; { Yeas . . . . . 9,  
 { Nays . . . . . 19.

Those who voted in the affirmative, are,  
 Messrs. Adams, Dayton, Hillhouse, Olcott, Pickering, Plumer, Tracy, Wells, and White.

Those who voted in the negative, are,  
 Messrs. Anderson, Armstrong, Baldwin, Breckinridge, Cocke, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, Israel Smith, John Smith, of Ohio, Samuel Smith, Sumter, Venable, Worthington, and Wright.

The court adjourned to 10 o'clock on Monday morning.

MONDAY, MARCH 12, 1804.

HIGH COURT OF IMPEACHMENTS—*The United States vs. John Pickering.*

Agreeably to notice given to the House of Representatives on Saturday, that the court of impeachments would this day at 12 o'clock proceed to pronounce judgment on the articles of impeachment exhibited by them against John Pickering, the managers attended; and the first article of impeachment was read:

And on the question, Is John Pickering, district judge of New Hampshire, guilty, as charged in the first article of impeachment exhibited against him by the House of Representatives?

It was determined in the affirmative, { Yeas . . . . . 19,  
 { Nays . . . . . 7.

Those who voted in the affirmative, are,  
 Messrs. Anderson, Baldwin, Breckinridge, Cocke, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, Israel Smith, John Smith, of Ohio, John Smith, of New York, Samuel Smith, Sumter, Venable, Worthington, and Wright.

Those who voted in the negative, are,

Messrs. Adams, Hillhouse, Olcott, Pickering, Plumer, Tracy, and Wells.

The second article of impeachment was read.

And on the question, Is John Pickering, district judge of New Hampshire, guilty, as charged in the second article of impeachment, exhibited against him by the House of Representatives?

It was determined in the affirmative, { Yeas . . . . . 19,  
 { Nays . . . . . 7.

Those who voted in the affirmative, are,  
 Messrs. Anderson, Baldwin, Breckinridge, Cocke, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, Israel Smith, John Smith, of Ohio, John Smith, of New York, Samuel Smith, Sumter, Venable, Worthington, and Wright.

Those who voted in the negative, are,

Messrs. Adams, Hillhouse, Olcott, Pickering, Plumer, Tracy, and Wells.

The third article of impeachment was read.

And on the question, Is John Pickering, district judge of New Hampshire, guilty, as charged in the third article of impeachment exhibited against him by the House of Representatives?

It was determined in the affirmative, { Yeas . . . . . 19,  
 { Nays . . . . . 7.

Those who voted in the affirmative, are,  
 Messrs. Anderson, Baldwin, Breckinridge, Cocke, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, Israel Smith, John Smith, of Ohio, John Smith, of New York, Samuel Smith, Sumter, Venable, Worthington, and Wright.

Those who voted in the negative, are,

Messrs. Adams, Hillhouse, Olcott, Pickering, Plumer, Tracy, and Wells.

The fourth article of impeachment was read.

And on the question, Is John Pickering, district judge of New Hampshire, guilty, as charged in the fourth article of impeachment exhibited against him by the House of Representatives?

It was determined in the affirmative, { Yeas . . . . . 19,  
 { Nays . . . . . 7.

Those who voted in the affirmative, are,  
 Messrs. Anderson, Baldwin, Breckinridge, Cocke, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, Israel Smith, John Smith, of Ohio, John Smith, of New York, Samuel Smith, Sumter, Venable, Worthington, and Wright.

Those who voted in the negative, are,

Messrs. Adams, Hillhouse, Olcott, Pickering, Plumer, Tracy, and Wells.

On the question, Is the court of opinion that John Pickering be removed from the office of judge of the district court of the district of New Hampshire?

It was determined in the affirmative,  $\left\{ \begin{array}{l} \text{Yeas} \dots\dots\dots 20, \\ \text{Nays} \dots\dots\dots 6. \end{array} \right.$

Those who voted in the affirmative, are,

Messrs. Anderson, Baldwin, Breckinridge, Cocke, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, Israel Smith, John Smith, of Ohio, John Smith, of New York, Samuel Smith, Sumter, Venable, Wells, Worthington, and Wright.

Those who voted in the negative, are,

Messrs. Adams, Hillhouse, Olcott, Pickering, Plumer, and Tracy.

The court adjourned *sine die*.

A true copy.

*Attest,*

SAMUEL A. OTIS, *Secretary.*



# THE TRIAL OF SAMUEL CHASE,

ONE OF THE ASSOCIATE JUSTICES

OF

THE SUPREME COURT OF THE UNITED STATES,

ON A CHARGE EXHIBITED BY

THE SENATE OF THE UNITED STATES,

FOR HIGH CRIMES AND MISDEMEANORS.

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IN SENATE OF THE UNITED STATES,

FRIDAY, NOVEMBER 30, 1804.

The Senate took into consideration the motion made yesterday, that a committee be appointed to prepare and report rules of proceedings, to be observed in cases of impeachment, and agreed thereto; and

*Ordered*, That Messrs. Giles, Baldwin, Breckinridge, Stone, and Smith, of Vermont, be the committee.

FRIDAY, DECEMBER 7, 1804.

The committee last mentioned made report.

*Ordered*, That it lie for consideration.

FRIDAY, DECEMBER 4, 1804.

HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

On motion,

*Resolved*, That the Senate will, at one o'clock on this day, be ready to receive articles of impeachment against Samuel Chase, one of the associate justices of the supreme court of the United States, to be presented by the managers appointed by the House of Representatives.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

On motion,

*Resolved*, That, when the managers of the impeachment shall be introduced to the bar of the Senate, and shall have signified that they are ready to exhibit articles of impeachment against Samuel Chase, the President of the Senate shall direct the Sergeant-at-arms to make proclamation, who shall, after making proclamation, repeat the following words: "All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the nation is exhibiting to the Senate of the United States articles of impeachment against Samuel Chase, one of the associate justices of the supreme court of the United States." After which the articles shall be exhibited; and then the President of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives."

Agreeably to the above resolutions, the managers on the part of the House of Representatives, to wit: Messrs. John Randolph, Rodney, Nicholson, Early, Boyle, Nelson, and G. W. Campbell, were admitted: and Mr. Randolph, the chairman, announced

"that they were the managers instructed by the House of Representatives to exhibit certain articles of impeachment against Samuel Chase, one of the associate justices of the supreme court of the United States."

The managers were requested by the President to take seats assigned them within the bar, and the Sergeant-at-arms was directed to make proclamation in the words following:

"Oyes! Oyes! Oyes!"

"All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the nation is exhibiting to the Senate of the United States articles of impeachment against Samuel Chase, one of the associate justices of the supreme court of the United States." After which the managers rose, and Mr. Randolph, their chairman, read the articles.

Whereupon,

The President notified the managers that the Senate would take proper order on the subject of the impeachment, of which due notice should be given to the House of Representatives.

The managers delivered the articles of impeachment at the table, and withdrew.

Adjourned.

### MONDAY, DECEMBER 10, 1804.

#### HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The Senate took into consideration the report of the committee appointed on the 30th of November last, to prepare and report proper rules of proceedings, to be observed by the Senate in cases of impeachment; and agreed to them in part, as follows:

A summons shall issue, directed to the person impeached, in the form following:

*The United States of America, ss.*

The Senate of the United States of America to ——— Greeting.

Whereas the House of Representatives of the United States of America did, on the — day of —, exhibit to the Senate articles of impeachment against you, the said —, in the words following, viz. :

[Here recite the articles.]

And did demand that you, the said —, should be put to answer the accusations, as set forth in said articles; and that such proceedings, examinations, trials, and judgments, might be thereupon had as are agreeable to law and justice: You, the said —, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their chamber in the city of Washington, on the — day of —, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform, such orders and judgments as the Senate of the United States shall make in the premises, according to the constitution and laws of the United States.

Hereof you are not to fail.

Witness —, Vice President of the United States of America, and President of the Senate thereof, at the city of Washington, this — day of —, in the year of our Lord —, and of the Independence of the United States the —.

Which summons shall be signed by the Secretary of the Senate, and sealed with their seal, and served by the Sergeant-at-arms to the Senate, or by such other person as the Senate shall specially appoint for that purpose; who shall serve the same, pursuant to the directions given in the form next following.

A precept shall be endorsed on said writ of summons, in the form following, viz. :

*United States of America, ss.*

The Senate of the United States to —, Greeting.

You are hereby commanded to deliver to and leave with —, if to be found, a true and attested copy of the within writ of summons, together with a like copy of this precept, shewing him both; or, in case he cannot with convenience be found, you are to leave true and attested copies of the said summons and precept at his usual place of residence, and, in whichsoever way you perform the service, let it be done at least — days before the appearance day mentioned in the said writ of summons. Fail not, and make return of this writ of summons and precept, with your proceedings thereon endorsed, on or before the appearance day mentioned in said writ of summons.

Witness, —, Vice President of the United States of America, and President of the Senate thereof, at the city of Washington, this — day of —, in the year of our Lord —, and of the Independence of the United States the —.



Which precept shall be signed by the Secretary of the Senate, and sealed with their seal.

On motion,

*Ordered*, That the further consideration of the report be postponed.

On motion,

*Resolved*, That the Secretary be directed to issue a summons to Samuel Chase, one of the associate justices of the supreme court of the United States, to answer certain articles of impeachment, exhibited against him by the House of Representatives on Friday last; that the said summons be returnable the second of January next, and be served at least fifteen days before the return day thereof.

*Ordered*, That the Secretary notify the House of Representatives of this resolution.

Adjourned.

#### FRIDAY, DECEMBER 14, 1804.

##### HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

Return was made by the Sergeant-at-arms on the summons issued.

Adjourned.

#### THURSDAY, DECEMBER 20, 1804.

##### HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The Senate resumed the consideration of the report of the committee appointed, on the 30th of November last, "to prepare and report proper rules of proceedings to be observed in cases of impeachments;" and the report was in part adopted.

On motion to amend the report,

*Ordered*, That the consideration of the report, together with a proposed amendment, be postponed.

Adjourned.

#### FRIDAY, DECEMBER 21, 1804.

##### HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The report of the committee appointed, on the 30th of November last, "to prepare and report proper rules of proceedings to be observed by the Senate in cases of impeachments," was resumed; and

*Ordered*, That the consideration thereof be postponed to Monday next.

Adjourned.

#### MONDAY, DECEMBER 24, 1804.

##### HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The Senate resumed the consideration of the report of the committee appointed to "prepare and report proper rules of proceedings to be observed by the Senate in cases of impeachments;" and

Sundry amendments having been, on motion, agreed to, the report in whole was adopted, as follows:

1. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part, to conduct an impeachment against any person, and are directed to carry such articles to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers, for the purpose of exhibiting such articles of impeachment, agreeably to the said notice.

2. When the managers of an impeachment shall be introduced to the bar of the Senate, and shall have signified that they are ready to exhibit articles of impeachment against any person, the President of the Senate shall direct the Sergeant-at-Arms to make proclamation, who shall, after making proclamation, repeat the following words: "All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the nation is exhibiting to the Senate of the United States articles of impeachment against ————;" after which the articles shall be exhibited, and then the President of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

3. A summons shall issue, directed to the person impeached, in the form following:

*The United States of America, ss.*

The Senate of the United States of America, to ———, Greeting.

Whereas the House of Representatives of the United States of America did, on the ——— day of ———, exhibit to the Senate articles of impeachment against you, the said ———, in the words following, viz:

[Here recite the articles.]

and did demand that you, the said ———, should be put to answer the accusations, as set forth in said articles; and that such proceedings, examinations, trials, and judgments, might be thereupon had, as are agreeable to law and justice: You, the said ———, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their chamber in the City of Washington, on the ——— day of ———, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform, such orders and judgments as the Senate of the United States shall make in the premises, according to the constitution and laws of the United States.

Hereof you are not to fail.

Witness ———, Vice President of the United States of America and President of the Senate thereof, at the City of Washington, this ——— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

Which summons shall be signed by the Secretary of the Senate, and sealed with their seal, and served by the Sergeant-at-arms to the Senate, or by such other person as the Senate shall specially appoint for that purpose, who shall serve the same pursuant to the directions given in the form next following:

4. A precept shall be endorsed on said writ of summons in the form following, viz:

*United States of America, ss.*

The Senate of the United States, to ———, Greeting.

You are hereby commanded to deliver to and leave with ———, if to be found, a true and attested copy of the within writ of summons, together with a like copy of this precept, shewing him both; or, in case he cannot with convenience be found, you are to leave true and attested copies of the said summons and precept at his usual place of residence, and in whichsoever way you perform the service, let it be done at least ——— days before the appearance day mentioned in said writ of summons. Fail not, and make return of this writ of summons and precept, with your proceedings thereon endorsed, on or before the appearance day mentioned in said writ of summons.

Witness ———, Vice President of the United States of America and President of the Senate thereof, at the City of Washington, this ——— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

Which precept shall be signed by the Secretary of the Senate, and sealed with their seal.

5. Subpœnas shall be issued by the Secretary of the Senate, upon the application of the managers of the impeachment, or of the party impeached, or his counsel, in the following form, to wit:

To ———, Greeting.

You and each of you are hereby commanded to appear before the Senate of the United States, on the ——— day of ———, at the Senate chamber in the City of Washington, then and there to testify your knowledge in the cause which is before the Senate, in which the House of Representatives have impeached ———.

Fail not.

Witness ———, Vice President of the United States of America and President of the Senate thereof, at the City of Washington, this ——— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

Which shall be signed by the Secretary of the Senate and sealed with their seal.

Which subpœnas shall be directed in every case to the marshal of the district where such witnesses respectively reside, to serve and return.

6. The form of direction to the marshal for the service of the subpœna shall be as follows:

*The Senate of the United States of America,*

To the marshal of the district of ———.

You are hereby commanded to serve and return the within subpœna according to law.

Dated at Washington, this ——— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

————, Secretary of the Senate.



7. The President of the Senate shall direct all necessary preparations in the Senate chamber, and all the forms of proceeding while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial, not otherwise specially provided for by the Senate.

8. He shall also be authorized to direct the employment of the marshal, or any officer or officers of the District of Columbia, during the trial, to discharge such duties as may be prescribed by him.

9. At twelve o'clock of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer, in the form following, viz:

"I, —, do solemnly swear, that the return made and subscribed by me upon the process issued on the — day of —, by the Senate of the United States, against — is truly made, and that I have performed said services as therein described. So help me God." Which oath shall be entered at large on the records.

10. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appears, or any person for him, the appearance shall be recorded, stating particularly if by himself, or if by agent or attorney; naming the person appearing, and the capacity in which he appears. If he does not appear, either personally, or by agent or attorney, the same shall be recorded.

11. At 12 o'clock of the day appointed for the trial of an impeachment, the legislative and executive business of the Senate shall be postponed. The Secretary shall then administer the following oath or affirmation to the President:

"You solemnly swear, or affirm, that, in all things appertaining to the trial of the impeachment of —, you will do impartial justice, according to the constitution and laws of the United States."

12. And the President shall administer the said oath or affirmation to each Senator present.

The Secretary shall then give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment of —, in the Senate chamber, which chamber is prepared with accommodations for the reception of the House of Representatives.

13. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

14. All motions made by the parties, or their counsel, shall be addressed to the President of the Senate, and, if he shall require it, shall be committed to writing, and read at the Secretary's table; and all decisions shall be had by ayes and noes, and without debate, which shall be entered on the records.

Witnesses shall be sworn in the following form, to wit: "You, —, do swear (or affirm, as the case may be) that the evidence you shall give in the case now depending between the United States and — shall be the truth, the whole truth, and nothing but the truth. So help you God." Which oath shall be administered by the Secretary.

16. Witnesses shall be examined by the party producing them, and then cross examined in the usual form.

17. If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place.

18. If a Senator wishes a question to be put to a witness, it shall be reduced to writing and put by the President.

Adjourned.

FRIDAY, DECEMBER 28, 1804.

HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

On motion to reconsider the eighteenth rule, adopted on the 24th instant, It was agreed that the consideration thereof be postponed to Monday next.  
Adjourned.

MONDAY, DECEMBER 31, 1804.

HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The motion to reconsider the eighteenth rule was resumed; and, on the question to agree thereto,  
It was determined in the negative.

On motion, it was agreed to reconsider the eighth rule, and amend it to be read as follows:

"He shall also be authorized to direct the employment of the marshal of the District of Columbia, or any other person or persons, during the trial, to discharge such duties as may be prescribed by him."

On motion, an additional rule was adopted, as follows:

19. At all times whilst the Senate is sitting upon the trial of an impeachment, the doors of the Senate chamber shall be kept open.

Adjourned.

WEDNESDAY, JANUARY 2, 1805.

HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The court having been opened by proclamation,

The return made by the Sergeant-at-Arms was read, as follows:

"I, James Mathers, Sergeant-at-arms to the Senate of the United States, in obedience to the within summons to me directed, did proceed to the residence of the within named Samuel Chase, on the 12th day of December 1804, and did then and there leave a true copy of the said writ of summons, together with a true copy of the articles of impeachment annexed, with him the said Samuel Chase.

"JAMES MATHERS."

After which the Secretary administered to him the oath, as follows: "You, James Mathers, Sergeant-at-arms to the Senate of the United States, do solemnly swear, that the return made and subscribed by you upon the process issued on the 10th day of December last, by the Senate of the United States against Samuel Chase, one of the associate justices of the Supreme Court, is truly made, and that you have performed said services, as therein described. So help you God."

Samuel Chase was then solemnly called, who appeared in his own proper person, and submitted the following motion, which was read at the Secretary's table: "I solicit this honorable court to allow me until the first day of the next session, to put in my answer, and to prepare for my trial."

Whereupon the President informed the said Samuel Chase, that the court would take time to consider his motion.

On motion,

*Resolved*, That on the meeting of the Senate, to-morrow, before they proceed to any business on the articles of impeachment, before them, and before any decision of any question, the oath prescribed by the rules shall be administered to the President and members of the Senate.

Adjourned.

THURSDAY, JANUARY 3, 1805.

HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The court having been opened by proclamation,

The oath prescribed was administered to the President by the Secretary.

The President administered the oath prescribed to the following members:

Messrs. Adams, Anderson, Baldwin, Bradley, Breckinridge, Brown, Condit, Dayton, Ellery, Franklin, Giles, Hillhouse, Howland, Jackson, Mitchill, Moore, Olcott, Pickering, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Sumter, Tracy, White, Worthington, and Wright.

And the affirmation was administered to

Messrs. Logan, Maclay, and Plumer.

The President stated that he had received a letter from the defendant, enclosing an affidavit that further time was necessary for him to prepare for trial: which affidavit was read by the Secretary.

Whereupon,

The following motion was made by Mr. Bradley:

*Ordered*, That Samuel Chase file his answer with the Secretary of the Senate, to the several articles of impeachment exhibited against him by the House of Representatives, on or before the — day of —

Whereupon,

A motion was made by Mr. Giles to amend the motion, and to strike out all that follows the word "*Ordered*," and insert "That — next shall be the day for receiv-



Mr. Hillhouse called for a division of the question.

It passed in the affirmative,	{	Yeas . . . . .	20,
		Nays . . . . .	10.

Messrs. Anderson, Baldwin, Breckinridge, Brown, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith of Vermont, Sumter, and Worthington.

Messrs. Adams, Bradley, Dayton, Hillhouse, Olcott, Pickering, Plumer, Tracy, White, and Wright.

**To insert the amendment proposed, the yeas and nays being taken,**

Those who voted in the affirmative, are,

Those who voted in the negative, are,

**On motion,**

It passed in the negative,	{ Yeas . . . . .	12,
	{ Nays . . . . .	18.

Messrs. Bradley, Dayton, Hillhouse, Logan, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of Ohio, Smith, of Vermont, Tracy, and White.

Messrs. Adams, Anderson, Baldwin, Breckinridge, Brown, Condit, Ellery, Franklin, Giles, Howland, Jackson, Maclay, Mitchill, Moore, Smith, of New York, Sumter, Worthington, and Wright.

On motion,

It passed in the affirmative, { Yeas . . . . . 22,  
Nays . . . . . 8.

Messrs. Adams, Anderson, Baldwin, Breckinridge, Brown, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Sumter, Worthington, and Wright.

Messrs. Bradley, Dayton, Hillhouse, Olcott, Pickering, Plumer, Tracy, and White.

On motion,

It passed in the affirmative,

{ Yeas . . . . .	21,
{ Nays . . . . .	9.

Messrs. Anderson, Baldwin, Breckinridge, Brown, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Sumter, Worthington, and Wright.

Messrs. Adams, Bradley, Dayton, Hillhouse, Olcott, Pickering, Plumer, Tracy, and White.

So it was

*Ordered*, That the fourth day of February next shall be the day for receiving the answer and proceeding on the trial of the impeachment against Samuel Chase.

Ordered, That the Secretary notify the House of Representatives, and the said Samuel Chase, thereof.

**Adjourned.**

MONDAY, JANUARY 28, 1805.

HIGH COURT OF IMPEACHMENTS.—*The United States vs. Samuel Chase.*

A message was received from the House of Representatives, by Mr. Beckley, their Clerk, announcing the appointment of Mr. Clark, one of the managers for conducting the impeachment against Samuel Chase, an associate justice of the supreme court of the United States, in place of Mr. Nelson, excused. And he withdrew.

MONDAY, FEBRUARY 4, 1805.

HIGH COURT OF IMPEACHMENTS.—*The United States vs. Samuel Chase.*

The court having been opened by proclamation,

*Ordered*, That the Secretary give notice to the House of Representatives, that the Senate are in their public chamber, and are ready to proceed on the trial of the impeachment of Samuel Chase, one of the associate justices of the supreme court of the United States; and that seats were provided for the accommodation of the members.

The managers, accompanied by the House of Representatives, attended.

The oath prescribed was administered to Messrs. Bayard, Cocke, Gaillard, and Stone, Senators and members of the court.

Samuel Chase being called to make answer to the articles of impeachment exhibited against him by the House of Representatives, appeared, and requested that Robert G. Harper, Luther Martin, Philip B. Key, and Joseph Hopkinson, Esqrs. might be admitted, and considered as counsel for him, the said Samuel Chase; and, thereupon, submitted a motion, which was read at the table, as follows:—"Samuel Chase moves for permission to read his answer, by himself and his counsel, at the bar of this honorable court."

The President asked him if it was the answer on which he meant to rely? To which he replied in the affirmative. And the question being taken on the motion, it passed in the affirmative; and he was permitted to read his answer; which he did, by himself and his counsel; and the answer was filed.

Whereupon,

Mr. Randolph, on behalf of the managers, moved that they have time to consult the House of Representatives on a replication; and that they be furnished with a copy of the answer. To which the President replied, that the motion would be taken into consideration, and the House of Representatives should be notified of the result.

Adjourned.

TUESDAY, FEBRUARY 5, 1805.

HIGH COURT OF IMPEACHMENTS.—*The United States vs. Samuel Chase.*

*Ordered*, That the Secretary carry to the House of Representatives an attested copy of the answer of Samuel Chase, one of the associate justices of the supreme court, to articles of impeachment against him by the House of Representatives.

On motion,

*Ordered*, That one hundred and fifty copies of the answer of Samuel Chase be printed for the use of the Senate.

Adjourned.

THURSDAY, FEBRUARY 7, 1805.

HIGH COURT OF IMPEACHMENTS.—*The United States vs. Samuel Chase.*

Notice was given by Mr. Beckley, their Clerk, that the House of Representatives had agreed to a replication on their part, to the answer of Samuel Chase, one of the associate justices of the supreme court of the United States, to the articles of impeachment exhibited to the Senate against him by that house, and had directed the managers appointed to conduct the said impeachment to carry the said replication to the Senate, and to proceed to maintain the same at the bar of the Senate, at such time as should be appointed by the Senate. And he withdrew.

*Ordered*, That the Secretary inform the House of Representatives that the Senate will be ready to proceed on the trial of the impeachment of Samuel Chase, one of the associate justices of the supreme court, at half past 2 o'clock this day.

Accordingly, the managers attended, and the replication being read by Mr. Randolph, The same was filed.



A motion was made by Mr. Hopkinson, attorney for the respondent, that Samuel Chase be furnished with an attested copy of the replication of the House of Representatives; and it was granted.

On motion, that it be

*Resolved*, That the Secretary inform the House of Representatives that the Senate will, to-morrow at 12 o'clock, proceed on the trial of the impeachment of Samuel Chase:

It was determined in the affirmative—Yeas 34.

Those who voted, are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Ellery, Franklin, Gaillard, Giles, Hillhouse, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Stone, Sumter, Tracy, White, Worthington, and Wright.

Adjourned.

### FRIDAY, FEBRUARY 8, 1805.

#### HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

*Ordered*, That the Secretary notify the House of Representatives that the Senate are ready to proceed further on the trial of the impeachment of Samuel Chase, one of the associate justices of the supreme court.

The managers, accompanied by the House of Representatives, attended.

Samuel Chase, the respondent, attended with his counsel.

Proclamation was made to keep silence, and, also, as follows:

“Oyes! Oyes! Oyes!”

“Whereas a charge of high crimes and misdemeanors hath been exhibited by the House of Representatives of the United States, in the name of themselves, and of all the people of the United States, against Samuel Chase, one of the associate justices of the supreme court, all persons concerned are to take notice that he now stands upon his trial, and they may come forth in order to make good the said charge.”

The President informed the managers that they were at liberty to proceed in support of the articles of impeachment exhibited; and, on request by Mr. Randolph, the witnesses on behalf of the managers were called.

And, on request by Mr. Hopkinson, counsel for the respondent, his witnesses were called.

Mr. Randolph, on behalf of the managers, informed the court that they were not ready to proceed to make good their charges, and desired further time.

Whereupon,

The President notified the managers that the Senate would be to-morrow at 12 o'clock ready to proceed on the trial of Samuel Chase, one of the associate justices of the supreme court.

Adjourned.

### SATURDAY, FEBRUARY 9, 1805.

#### HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The court being opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

The respondent, with his counsel, also attended.

The President informed the managers that they might now proceed to substantiate their charges.

Mr. Randolph having opened the cause,

On request of the managers, the affirmation was administered to William Lewis, and he gave his testimony, and was cross-examined.

Alexander J. Dallas was sworn, examined, and cross-examined.

Adjourned.

### MONDAY, FEBRUARY 11, 1805.

#### HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The court being opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

The respondent, together with his counsel, also attended.

Adjourned.

Adjourned.

Ordered, That the Secretary give notice to the House of Representatives that the Senate are now ready further to proceed on the trial of the impeachment of Samuel Chase, one of the associate justices of the supreme court.



The respondent, together with his counsel, attended.

**John Heath was again cross-examined.**

John Basset, on behalf of the respondent, was sworn, examined, and cross-examined.  
Adjourned.

## HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The managers, accompanied by the House of Representatives, attended.

The respondent requested that Charles Lee, Esq. might also be allowed to appear as one of his counsel.

George Read, on the part of the managers, was sworn, examined, and cross-examined.

James Lea, on behalf of the managers, affirmed, was examined, and cross-examined.

**John Crow, on behalf of the managers, was sworn, examined, and cross-examined.**

Risdon Bishop was called, but did not answer.

**John Thompson Mason** was again examined by the managers.

Aquila Hall, Philip Stewart, and Thomas Hall, were severally called, on motion of the managers, but did not answer.

John Stephen, on motion of the managers, was sworn, examined, and cross-examined.

Copies from the records of the trials of John Fries, and James T. Callender, were given in evidence by the managers.

Adjourned.

## HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The managers, accompanied by the House of Representatives, attended.

The following witnesses were called, on motion of the managers, but did not appear, to wit: William Wirt, Meriwether Jones, Hugh Holmes, Aquila Hall, Thomas Hall, John Harvie, Risdon Bishop, and Philip Stewart.

The respondent was notified, that he might now proceed to make his defence, and Mr. Harper, in his behalf, opened the defence, and adduced his witnesses.

Samuel Ewing, on the part of the respondent, was sworn and examined.

Edward J. Coale, on the part of the respondent, was sworn and examined.

The following question was proposed to this witness, by Mr. Hopkinson, the counsel for the respondent.

“At the time judge Chase desired you to make the copy in your hand, did he, or did he not, explain to you his reasons or motives for drawing up the paper from which this copy was made? If yes, what were they?”

This being objected to by the managers, and submitted to the court—On the question “Is it competent for the counsel for the respondent to put said question to the witness?”

It was determined in the negative,

{ Yeas . . . . .	9,
{ Nays . . . . .	25.

Those who voted in the affirmative, are,

Messrs. Bayard, Bradley, Giles, Pickering, Plumer, Smith, of Maryland, Smith, of Vermont, Tracy, and White.

Those who voted in the negative, are,

Messrs. Adams, Anderson, Baldwin, Breckinridge, Brown, Cocke, Condit, Dayton,

Ellery, Franklin, Gaillard, Hillhouse, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Olcott, Smith, of New York, Smith, of Ohio, Stone, Sumter, Worthington, and Wright.

Part of judge Iredel's charge to the grand jury in the case of John Fries was read; and, with sundry documents, filed as evidence in the case.

William Rawle was again examined by the counsel for the respondent.

A record of the case of Vigol and Mitchill, in Dallas's reports, pages 346 to 348, was given in evidence, on behalf of the respondent.

William Meredith was called, sworn, and examined, by the counsel for the respondent.

Luther Martin was sworn and examined on the part of the respondent.

James Winchester was sworn and examined on the part of the respondent.

William Marshal was sworn and examined on the part of the respondent.

Mr. Harper, in behalf of the respondent, made the following motion:

"Testimony on the part of the prosecution, tending to shew, from the declarations of the respondent, that he had a corrupt intention to pack a jury for the trial of Callender, having been given, he offers in evidence other declarations of his, made during the proceedings, but on a different day, for the purpose of rebutting the former testimony, and of shewing that his intentions in that respect were pure, and even favorable to Callender."

This evidence is consented to by the managers—The question is, "Shall it be, on such consent, examined by the court?" The yeas and nays being taken,

It was determined in the affirmative,	{ Yeas . . . . . 32,
	{ Nays . . . . . 2.

Those who voted in the affirmative, are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Breckinridge, Brown, Condit, Dayton, Ellery, Franklin, Gaillard, Giles, Hillhouse, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Stone, Sumter, Tracy, White, and Worthington.

Those who voted in the negative, are,

Messrs. Cocke and Wright.

Adjourned.

## SATURDAY, FEBRUARY 16, 1805.

### HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.*

The court being opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

The respondent also, with his counsel, attended.

On motion by Mr. Harper, on behalf of the respondent, and with the consent of the managers, William Meredith, Samuel Ewing, and Edward J. Coale, were discharged.

On motion, by Mr. Harper, on behalf of the respondent, David M. Randolph was sworn, examined, and cross-examined.

On motion, by Mr. Harper, on behalf of the respondent, John Marshal, chief justice of the United States, was sworn, examined, and cross-examined.

On motion, by Mr. Harper, on behalf of the respondent, Edmund J. Lee was sworn, examined, and cross-examined.

On motion, by Mr. Harper, on behalf of the respondent, John A. Chevalier was sworn, examined, and cross-examined.

On motion, by Mr. Harper, on behalf of the respondent, Robert Gamble was sworn, examined, and cross-examined.

On motion, by Mr. Harper, in behalf of the respondent, Philip Gooch was sworn, examined, and cross-examined.

On motion, by Mr. Harper, in behalf of the respondent, David Robinson was sworn, examined, and cross-examined; and,

On motion,

Permitted to give a printed statement, corrected by his notes, taken at the time of trial, in evidence.

Which printed statement was filed.

Adjourned.



MONDAY, FEBRUARY 18, 1805.

**HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.***

The Court being opened by proclamation,  
The managers, accompanied by the House of Representatives, attended. The respondent, with his counsel, attended.

William Marshal was cross-examined.

William Rawle was again examined and cross-examined.

James Winchester was again examined and cross-examined.

Edmund J. Lee was again examined and cross-examined; and, by consent of parties, discharged.

Philip Gooch was again examined and cross-examined.

Luther Martin was again examined and cross-examined.

The respondent, by Mr. Lee, read, as evidence, Dallas's Reports, 2d vol. 411; and 34th section Judicial act, and 14th section of same act; also, Gilbert's treatise, page 307-8 and 339; also, Reports United States vs. Insurgents, 2 Dallas, 335.

Gunning Bedford, on request of the respondent, was sworn, examined, and cross-examined.

Nicholas Van Dyke, on request of the respondent, was sworn, examined, and cross-examined.

Archibald Hamilton, on request of the respondent, was sworn, examined, and cross-examined.

John Hall, jun. on request of the respondent, was sworn, examined, and cross-examined.

Gunning Bedford was again cross-examined.

Samuel P. Moore, on request of the respondent, was affirmed, examined, and cross-examined.

Mr. Hopkinson, on behalf of the respondent, offered the following printed testimony, to wit:

Claypoole's paper, Dec. 1, 1797, containing Judge M'Kean's charge to the grand jury.

John Montgomery was again cross-examined. His publication in the Baltimore American and Commercial Advertiser of June 13, 1803, was read and filed as testimony by counsel for the respondent.

William H. Winder, on request of the respondent, was sworn, examined, and cross-examined; and, by consent of parties, discharged.

James Winchester was further examined by the respondent, and cross-examined; and, by consent of parties, discharged.

Adjourned.

TUESDAY, FEBRUARY 19, 1805.

**HIGH COURT OF IMPEACHMENTS—*The United States vs. Samuel Chase.***

The Court being opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

The respondent, with his counsel, attended.

Samuel Chase, jun. on request of the respondent, was sworn, examined, and cross-examined.

Exhibit No. 8 was filed in evidence by the respondent.

Philip Moore, on request of the respondent, was sworn, examined, and cross-examined.

Walter Dorsey, on request of the respondent, was sworn and examined.

Samuel Purviance, on request of the respondent, was sworn and examined.

Nicholas Brice, on request of the respondent, was sworn and examined.

James P. Boyd, on request of the respondent, was sworn and examined.

William M'Mechen, on request of the respondent, was sworn and examined.

William S. Govane, on request of the respondent, was sworn and examined.

On motion,

Philip Moore, Walter Dorsey, William M'Mechen, Samuel Purviance, James P. Boyd, William S. Govane, and Nicholas Brice, were discharged.

John Campbell, on request of the respondent, was sworn, examined, and cross-examined.

William Cranch, on request of the respondent, was sworn and examined.

Judge Chase's charge was filed in evidence; also, Ramsay's History of South Carolina, p. 103; also,

Drayton's charge, 1 vol. American Museum, page 228; and an extract from Judge Iredel's charge, first trial of J. Fries; together with

Gazette United States, 30th November, 1797;

Judge M'Kean's charge;

The same in Claypoole's paper, December 1st; also,

Exhibit No. 7, February 5 and 8, 1800, allowed by parties;

Governor Claiborne's speech, adduced as testimony by the respondent;

List of the grand jury, May, 1803, certified by the clerk, also given by respondent as evidence.

Thomas Hall, on request of the managers, was sworn and examined.

Philip Gooch requested leave to explain his testimony.

George Hay was called by the managers to explain his testimony, and cross-examined.

David M. Randolph was called by the respondent, examined, and cross-examined.

John Montgomery examined by the managers.

Philip N. Nicholas called and explained his testimony.

On request, and with consent of parties, David Robertson was discharged.

On motion, judge Chase had leave to withdraw on account of the ill state of his health.

On motion, by Mr. Randolph, on behalf of the managers, further time was granted to enable them to collate their testimony in support of the articles of impeachment.

Adjourned.

#### WEDNESDAY, FEBRUARY 20, 1805.

HIGH COURT OF IMPEACHMENTS. *The United States vs. Samuel Chase.*

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent attended.

Philip Stewart, on the request of the managers, was sworn, examined, and cross-examined.

On motion,

All the witnesses were discharged by consent of parties.

Mr. Early, on behalf of the managers, commenced the argument in support of the articles, and was followed by Mr. Campbell.

Adjourned.

#### THURSDAY, FEBRUARY 21, 1805.

HIGH COURT OF IMPEACHMENTS.—*The United States vs. Samuel Chase.*

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

Mr. Campbell, on behalf of the managers, concluded his arguments in support of the articles of impeachment, and was followed by Mr. Clark.

Mr. Hopkinson, on behalf of the respondent, proceeded to the defence.

Adjourned.

#### FRIDAY, FEBRUARY 22, 1805.

HIGH COURT OF IMPEACHMENTS.—*The United States vs. Samuel Chase.*

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

Mr. Key, in behalf of the respondent, proceeded in his defence, and was followed by Mr. Lee.

Adjourned.

#### SATURDAY, FEBRUARY 23, 1805.

HIGH COURT OF IMPEACHMENTS.—*The United States vs. Samuel Chase.*

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.



The counsel for the respondent also attended.

Mr. Rodney, on behalf of the managers, and by consent, stated some points on which he meant to reply; and produced his authorities.

Mr. Martin proceeded in defence of the respondent.

Adjourned.

### MONDAY, FEBRUARY 25, 1805.

#### HIGH COURT OF IMPEACHMENTS.—*The United States vs. Samuel Chase.*

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

Mr. Martin continued his observations in defence of the respondent, in which he was followed by Mr. Harper.

On motion,

On the part of the managers, that Hugh Holmes be sworn, the yeas and nays being taken,

It was determined in the affirmative,	{ Yeas . . . . .	21,
	{ Nays . . . . .	11.

Those who voted in the affirmative, are,

Messrs. Adams, Anderson, Baldwin, Breckinridge, Brown, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Smith, of Maryland, Smith, of New York, Stone, Sumter, Worthington, and Wright,

Those who voted in the negative, are,

Messrs. Bayard, Bradley, Cocke, Dayton, Hillhouse, Olcott, Pickering, Plumer, Smith, of Ohio, Smith, of Vermont, and White.

The witness was examined and cross-examined.

Mr. Harper concluded the defence.

Adjourned.

### TUESDAY, FEBRUARY 26, 1805.

#### HIGH COURT OF IMPEACHMENTS.—*The United States vs. Samuel Chase.*

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

Mr. Nicholson, on behalf of the managers, proceeded in support of the articles of impeachment, and was followed by Mr. Rodney.

Adjourned.

### WEDNESDAY, FEBRUARY 27, 1805.

#### HIGH COURT OF IMPEACHMENTS.—*The United States vs. Samuel Chase.*

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

Mr. Rodney concluded his observations in support of the articles of impeachment; after which,

Mr. Randolph, on behalf of the managers, closed the cause, and on motion "That the Senate will on Friday next, at 12 o'clock, proceed on the trial of the articles of impeachment exhibited by the House of Representatives of the United States against Samuel Chase, one of the associate justices of the supreme court."

The yeas and nays being taken, it was determined in the affirmative—yeas 32.

Those who voted, are,

Messrs. Adams, Baldwin, Bayard, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Ellery, Franklin, Gaillard, Giles, Hillhouse, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Stone, Sumter, White, Worthington, and Wright.

Adjourned.

### FRIDAY, MARCH 1, 1805.

#### HIGH COURT OF IMPEACHMENTS.—*The United States vs. Samuel Chase.*

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

The motion made yesterday for an alteration of one of the rules in cases of impeachments was resumed, and

*Resolved*, That, in taking the judgment of the Senate upon the articles of impeachment now depending against Samuel Chase, Esq. the President of the Senate shall call on each member, by his name, and upon each article propose the following question, in the manner following: "Mr. — how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the — article of impeachment?"

Whereupon, each member shall rise in his place, and answer—guilty, or not guilty.

The Secretary was ordered to read the first article of impeachment, as follows:

#### ARTICLE I.

That, unmindful of the solemn duties of his office, and contrary to the sacred obligation by which he stood bound to discharge them "faithfully and impartially, and without respect to persons," the said Samuel Chase, on the trial of John Fries, charged with treason, before the Circuit Court of the United States, held for the district of Pennsylvania, in the city of Philadelphia, during the months of April and May, one thousand eight hundred, whereat the said Samuel Chase presided, did, in his judicial capacity, conduct himself in a manner highly arbitrary, oppressive, and unjust, viz:

1. In delivering an opinion, in writing, on the question of law, on the construction of which the defence of the accused materially depended, tending to prejudice the minds of the jury against the case of the said John Fries, the prisoner, before counsel had been heard in his defence.

2. In restricting the counsel for the said Fries from recurring to such English authorities as they believed apposite, or from citing certain statutes of the United States, which they deemed illustrative of the positions upon which they intended to rest the defence of their client.

3. In debarring the prisoner from his constitutional privilege of addressing the jury (through his counsel) on the law, as well as on the fact, which was to determine his guilt, or innocence, and at the same time endeavoring to wrest from the jury their indisputable right to hear argument, and determine upon the question of law, as well as the question of fact, involved in the verdict which they were required to give.

In consequence of which irregular conduct of the said Samuel Chase, as dangerous to our liberties as it is novel to our laws and usages, the said John Fries was deprived of the right secured to him by the eighth article amendatory of the constitution, and was condemned to death without having been heard, by counsel, in his defence, to the disgrace of the character of the American bench, in manifest violation of law and justice, and in open contempt of the rights of juries, on which, ultimately, rest the liberty and safety of the American people.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. — how say you, is the respondent Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the first article of impeachment?

Those who pronounced guilty, are,

Messrs. Anderson, Baldwin, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Howland, Logan, Maclay, Moore, Stone, Sumter, Worthington, and Wright.

Those who pronounced not guilty, are,

Messrs. Adams, Bayard, Bradley, Dayton, Gaillard, Giles, Hillhouse, Jackson, Mitchill, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Tracy, and White.

The second article was read by the Secretary, as follows:

#### ARTICLE II.

That, prompted by a similar spirit of persecution and injustice, at a circuit court of the United States, held at Richmond, in the month of May, one thousand eight hundred, for the district of Virginia, whereat the said Samuel Chase presided, and before which a certain James Thompson Callender was arraigned for a libel on John Adams, then President of the United States, the said Samuel Chase, with intent to oppress and procure the conviction of the said Callender, did overrule the objection of John Basset, one of the jury, who wished to be excused from serving on the said trial, because he had made up his mind, as to the publication from which the words, charged to be libellous in the indictment, were extracted; and the said Basset was accordingly sworn,



and did serve on the said jury, by whose verdict the prisoner was subsequently convicted.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. —, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the second article of impeachment?

Those who pronounced guilty, are,

Messrs. Anderson, Breckinridge, Cocke, Condit, Ellery, Giles, Howland, Maclay, Moore, and Sumter.

Those who pronounced not guilty, are,

Messrs. Adams, Baldwin, Bayard, Bradley, Brown, Dayton, Franklin, Gaillard, Hillhouse, Jackson, Logan, Mitchill, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Stone, Tracy, White, Worthington, and Wright.

The third article was read by the Secretary, as follows:

#### ARTICLE III.

That, with intent to oppress and procure the conviction of the prisoner, the evidence of John Taylor, a material witness on behalf of the aforesaid Callender, was not permitted by the said Samuel Chase to be given in, on pretence that the said witness could not prove the truth of the whole of one of the charges contained in the indictment, although the said charge embraced more than one fact.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. —, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the third article of impeachment?

Those who pronounced guilty, are,

Messrs. Anderson, Baldwin, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Moore, Smith, of Maryland, Sumter, Worthington, and Wright.

Those who pronounced not guilty, are,

Messrs. Adams, Bayard, Bradley, Dayton, Gaillard, Hillhouse, Mitchill, Olcott, Pickering, Plumer, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Stone, Tracy, and White.

The fourth article was read by the Secretary, as follows:

#### ARTICLE IV.

That the conduct of the said Samuel Chase was marked, during the whole course of the said trial, by manifest injustice, partiality, and intemperance; viz:

1. In compelling the prisoner's counsel to reduce to writing, and submit to the inspection of the court for their admission or rejection, all questions which the said counsel meant to propound to the above named John Taylor, the witness.

2. In refusing to postpone the trial, although an affidavit was regularly filed, stating the absence of material witnesses on behalf of the accused; and although it was manifest that, with the utmost diligence, the attendance of such witnesses could not have been procured at that term.

3. In the use of unusual, rude, and contemptuous expressions towards the prisoner's counsel; and in falsely insinuating that they wished to excite the public fears and indignation, and to produce that insubordination to law to which the conduct of the judge did, at the same time, manifestly tend.

4. In repeated and vexatious interruptions of the said counsel, on the part of the said judge, which, at length, induced them to abandon their cause and their client, who was thereupon convicted, and condemned to fine and imprisonment.

5. In an indecent solicitude, manifested by the said Samuel Chase, for the conviction of the accused, unbecoming even a public prosecutor, but highly disgraceful to the character of a judge, as it was subversive of justice.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. —, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the fourth article of impeachment?

Those who pronounced guilty, are,

Messrs. Anderson, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Moore, Smith, of Maryland, Stone, Sumter, Worthington, and Wright.

Those who pronounced not guilty, are,

Messrs. Adams, Baldwin, Bayard, Bradley, Dayton, Gaillard, Hillhouse, Mitchill, Olcott, Pickering, Plumer, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Tracy, and White.

The fifth article was read by the Secretary, as follows:

#### ARTICLE V.

And whereas it is provided, by the act of Congress, passed on the 24th day of September, 1789, entitled "An act to establish the judicial courts of the United States," that for any crime or offence against the United States, the offender may be arrested, imprisoned, or bailed, agreeably to the usual mode of process in the state where such offender may be found: And whereas, it is provided by the laws of Virginia, that, upon presentment by any grand jury of an offence not capital, the court shall order the clerk to issue a summons against the person or persons offending, to appear and answer such presentment at the next court; yet the said Samuel Chase did, at the court aforesaid, award a *capias* against the body of the said James Thompson Callender, indicted for an offence not capital, whereupon the said Callender was arrested and committed to close custody, contrary to law in that case made and provided.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. —, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the fifth article of impeachment?

Those who pronounced not guilty, are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Ellery, Franklin, Gaillard, Giles, Hillhouse, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Stone, Sumter, Tracy, White, Worthington, and Wright.

The sixth article was read by the Secretary, as follows:

#### ARTICLE VI.

And whereas it is provided, by the 34th section of the aforesaid act, entitled "An act to establish the judicial courts of the United States," that the laws of the several states, except where the constitution, treaties, or statutes, of the United States shall otherwise require or provide, shall be regarded as the rules of decision in trials at common law in the courts of the United States, in cases where they apply: And whereas, by the laws of Virginia, it is provided, that, in cases not capital, the offender shall not be held to answer any presentment of a grand jury until the court next succeeding that during which such presentment shall have been made, yet the said Samuel Chase, with intent to oppress and procure the conviction of the said James Thompson Callender, did, at the court aforesaid, rule and adjudge the said Callender to trial during the term at which he, the said Callender, was presented and indicted, contrary to law in that case made and provided.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. —, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the sixth article of impeachment?

Those who pronounced guilty, are,

Messrs. Breckinridge, Cocke, Howland, and Maclay.

Those who pronounced not guilty, are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Brown, Condit, Dayton, Ellery, Franklin, Gaillard, Giles, Hillhouse, Jackson, Logan, Mitchill, Moore, Olcott, Pickering, Plumer, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Stone, Sumter, Tracy, White, Worthington, and Wright.

The seventh article was read by the Secretary, as follows:

#### ARTICLE VII.

That, at a circuit court of the United States for the district of Delaware, held at New Castle, in the month of June, one thousand eight hundred, whereat the said Samuel Chase presided, the said Samuel Chase, disregarding the duties of his office, did descend from the dignity of a judge, and stoop to the level of an informer, by refusing to discharge the grand jury, although entreated by several of the said jury so to do; and after the said grand jury had regularly declared, through their foreman, that they had found no bills of indictment, nor had any presentments to make, by observing to the said grand jury, that he, the said Samuel Chase, understood "that a highly seditious temper had manifested itself in the state of Delaware, among a certain class of peo-



“ple, particularly in New Castle county, and more especially in the town of Wilmington, where lived a most seditious printer, unrestrained by any principle of virtue, and regardless of social order; that the name of this printer was”—but checking himself, as if sensible of the indecorum which he was committing, added “that it might be assuming too much to mention the name of this person, but it becomes your duty, gentlemen, to inquire diligently into this matter;” or words to that effect; and that, with intention to procure the prosecution of the printer in question, the said Samuel Chase did, moreover, authoritatively enjoin on the district attorney of the United States the necessity of procuring a file of the papers to which he alluded, (and which were understood to be those published under the title of “Mirror of the Times and General Advertiser,”) and, by a strict examination of them, to find some passage which might furnish the ground-work of a prosecution against the printer of the said paper; thereby degrading his high judicial functions, and tending to impair the public confidence in, and respect for, the tribunals of justice, so essential to the general welfare.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. —, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the seventh article of impeachment?

Those who pronounced guilty, are,

Messrs. Breckinridge, Cocke, Franklin, Howland, Jackson, Maclay, Smith, of Maryland, Stone, Sumter, and Wright.

Those who pronounced not guilty, are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Brown, Condit, Dayton, Ellery, Gaillard, Giles, Hillhouse, Logan, Mitchill, Moore, Olcott, Pickering, Plumer, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Tracy, White, and Worthington.

The eighth article was read by the Secretary, as follows:

#### ARTICLE VIII.

And whereas mutual respect and confidence between the government of the United States and those of the individual states, and between the people and those governments, respectively, are highly conducive to that public harmony, without which there can be no public happiness, yet the said Samuel Chase, disregarding the duties and dignity of his judicial character, did, at a circuit court for the district of Maryland, held at Baltimore, in the month of May, one thousand eight hundred and three, pervert his official right and duty to address the grand jury then and there assembled, on the matters coming within the province of the said jury, for the purpose of delivering to the said grand jury an intemperate and inflammatory political harangue, with intent to excite the fears and resentment of the said grand jury, and of the good people of Maryland, against their state government and constitution, a conduct highly censurable in any, but peculiarly indecent and unbecoming in a judge of the supreme court of the United States; and, moreover, that the said Samuel Chase, then and there, under pretence of exercising his judicial right to address the said grand jury as aforesaid, did, in a manner highly unwarrantable, endeavor to excite the odium of the said grand jury, and of the good people of Maryland, against the government of the United States, by delivering opinions, which, even if the judicial authority were competent to their expression, on a suitable occasion, and in a proper manner, were at that time, and as delivered by him, highly indecent, extra-judicial, and tending to prostitute the high judicial character with which he was invested, to the low purpose of an electioneering partizan.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. —, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the eighth article of impeachment?

Those who pronounced guilty, are,

Messrs. Anderson, Baldwin, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Moore, Smith, of Maryland, Stone, Sumter, Worthington, and Wright.

Those who pronounced not guilty, are,

Messrs. Adams, Bayard, Bradley, Dayton, Gaillard, Hillhouse, Mitchill, Olcott, Pickering, Plumer, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Tracy, and White.

Whereupon, the President declared that Samuel Chase, one of the associate justices of the supreme court, is acquitted of all the charges contained in the articles of impeachment exhibited against him by the House of Representatives; and

The court adjourned without day.

Copy—Attest,

SAMUEL A. OTIS, *Secretary.*

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OF

## THE UNITED STATES.

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OF

## THE UNITED STATES.

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OR

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OF

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